

## ARTICLE 8 LAND SUBDIVISIONS

### Sec. 4-801 Purpose; Authority; Applicability

1. Purpose. The purpose of this Article is to encourage the most appropriate use of land, provide for the orderly development of the Town, and protect and preserve the health, safety, and general welfare of the citizens of the Town of Farmingdale, including the future occupants of such subdivisions, whether residential, commercial, or industrial.
2. Authority. This ordinance is enacted pursuant to the provisions of 30-A M.R.S.A. § 4401-4407 (Subdivisions) and expressly incorporates the provisions of said Subdivision statutes by reference.
3. Mobile Home Parks. The provisions of this ordinance shall be applicable to mobile home parks, except to extent expressly provided in Chapter 4, Article 9 (Mobile Home Parks) of this Code.

### Sec. 4-802 Definitions

1. Manufactured Housing Unit means structures, transportable in one or more sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein, and as otherwise defined in 30-A M.R.S.A. § 4358(1).
2. Mobile Home Park means a parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.
3. Mobile Home Park Lot means the area of land on which an individual manufactured housing unit is situated within a mobile home park and which is reserved for use by the occupants of that unit.
4. Shoreland Zone means the area within 250 feet of the normal high water mark of any great pond, river or upland edge of a fresh water wetland, and that area within 75 feet of the high water line of a stream, and as otherwise defined under 38 M.R.S.A. §§ 435-445.
5. Subdivision means a "subdivision" as defined in 30-A M.R.S.A. §4401(4); and means a mobile home park as defined in this Article.

### Sec. 4-803 Application and Preliminary Plan

When any subdivision is proposed and before any other action is taken, the subdivider or the subdivider's duly authorized agent shall file an application, Reference Appendix A of this Article, with the Farmingdale Planning Board for approval. The application shall be in a form required by the Planning Board and shall include a preliminary plan and other information as required by this Article and State statutes. The application shall be submitted to the Planning Board at least ten (10) days prior to a regular meeting of the Planning Board. The application shall be accompanied by a fee established under Section 4-105 of this Chapter and shall contain the following:

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the board to locate the subdivision within the municipality. Reference Appendix C of this Article. The Location Map shall show:
  - A. Existing subdivisions in the proximity of the proposed subdivision.
  - B. Locations and names of existing and proposed streets. Reference Appendix D and E of this Article.

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- C. Boundaries and designations of zoning districts.
  - D. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.
2. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the first meeting at which the application is considered. The following information shall be shown on the Preliminary Plan:
- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers.
  - B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate proposed lot lines and the type of monument set or found at each lot corner. Reference Appendix B of this Article.
  - C. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
  - D. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.
  - E. Contour lines at five (5) foot intervals unless otherwise specified by the Planning Board, showing elevations in relation to Mean Sea Level, and proposed elevations for areas to be excavated or filled.
  - F. The number of acres within the proposed subdivision and area of each lot.
  - G. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
  - H. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.
  - I. Location of existing and proposed pedestrian walkways.
  - J. Location of existing and proposed utilities and easements therefore, including sanitary sewerage, water supply, and electricity; and locations of all drilled wells.
  - K. Location of existing natural drainage ways and proposed storm drainage facilities on or adjacent to the subdivision, including dimensions of culverts and pipes.
  - L. Location of buildings on abutting dwelling units and other structures within the proposed subdivision.
  - M. Location of existing vegetative cover type, and other essential existing physical features, and the location of any trees larger than 24 inches in diameter at a height of four (4) feet.

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- N. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication.
  - O. The location of any open space to be preserved and an indication of its improvement and management.
  - P. If any portion of the subdivision is in a flood prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
  - Q. Location of all portions of Shoreland Zone, if any, within 250 feet of the proposed subdivision.
3. Other Information. The application shall contain the following:
- A. Deeds and Covenants.
    - 1) A copy of the deed(s) from which the survey was based. A copy of all existing covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property, and all written evidence of applicant's right, title, or interest in the property.
    - 2) A copy of any proposed covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
    - 3) A copy of all proposed sewer and storm drain easements to be delivered to the Town.
  - B. Water Supply.
    - 1) If a public water supply is not to be used, the application shall include report(s) by qualified professional(s) stating that the proposed subdivision will have a sufficient quantity of drinking water available for each dwelling unit within the subdivision for the foreseeable future and the source of such water.
    - 2) If a public water supply is to be used, the application shall include a letter from the servicing water district stating that there is adequate supply and pressure for the proposed subdivision.
  - C. Soils Conditions on the Site. If subsurface sewage disposal is proposed, the information shall include evidence of soil suitability according to the State of Maine Subsurface Wastewater Disposal Rules Test Pit Analysis by a Licensed Site Evaluator. The Site Plan shall show the location of soil test areas or pits and natural wet areas. If no subsurface sewage disposal is proposed, medium intensity soils survey information about the site shall be included in the application. The Planning Board may require more extensive soils information if such is deemed necessary to adequately review the proposal.
  - D. Ground water. If the subdivision is not served by a public sewer, the application shall include an assessment of the impacts or proposed development on ground water quality. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:
    - 1) A map showing the basic soil types.
    - 2) The depth to the water table at representative points throughout the subdivision.
    - 3) Drainage conditions throughout the subdivision.
    - 4) Data on the existing ground water quality, from test wells in the subdivision or from existing wells on neighboring properties.

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- 5) An analysis and evaluation of the effect of proposed development on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.
- 6) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

## E. Public Sewage.

- 1) When sewage disposal is to be accomplished by connection to the public sewer, the application shall contain a letter from the Town Sewer Committee or appropriate district indicating there is adequate capacity within the system to transport and treat the estimated volume sewage.
- 2) The applicant shall provide the Sewer Committee a copy of the preliminary plan showing the placement of proposed sewer and storm drains, and copies of proposed easements (under 3(A)(3) of this Section).

## F. Multi-Unit Structures.

- 1) If the subdivision involves the division of a structure into three or more dwelling units, the applicant shall submit detailed plans of the proposed structure prepared by a registered architect.
- 2) If the subdivision is a condominium the applicant shall submit a copy of the public offering statement, if any.

## **Sec. 4-804 Processing of Application**

1. The Town Clerk, at the request of the Planning Board Chairman, upon receipt of a subdivision application, shall notify the abutting landowners by certified mail of the proposed subdivision and the date of the Planning Board meeting at which the application and preliminary plan will be reviewed.
2. The Planning Board shall study and review the application with respect to zoning requirements, subdivision requirements, compatibility with the Town of Farmingdale Comprehensive Plan, or any other land use articles and regulations which are appropriate for the proposed subdivision, and determine whether the application is complete.
3. The Planning Board shall notify the subdivider within thirty (30) days after receipt of the application, either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.
4. The Planning Board may require the subdivider to provide further information and/or test results it deems necessary. Based on this information, the Planning Board may require a revised preliminary plan.
5. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the

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approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

## Sec. 4-805 Final Plan

1. Final Review Procedure.
  - A. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision. Unless otherwise mutually agreed to, the notice and time provisions of 30-A M.R.S.A. § 4403 (4) and (5) shall apply. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.
  - B. The subdivider shall, within six months after the approval of the preliminary plan, file with the Board an application for approval of the final plan. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may refuse, without prejudice, to act on the final plan, and require resubmission of a preliminary plan. The final plan shall include all information shown on the preliminary plan, plus any recommended additions or modifications made by the Board.
  - C. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the final plan.
  - D. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where appropriate:
    - 1) Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.
    - 2) The servicing water utility, if an existing public water service is to be used.
    - 3) Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
    - 4) The Sewer Committee, if public sewage disposal system is to be used.
    - 5) Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
  - E. The applicant shall notify the Addressing Officer, Board of Selectmen, Road Commissioner, School Superintendent, Sewer Committee, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length and name of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The applicant shall request that these officials provide the Planning Board with their written comments upon the adequacy of existing capital facilities to service the proposed subdivision. Reference Chapter 5, Article 3 "Enhanced 911 Addressing".
  - F. Before the Board grants approval of the final plan, the subdivider shall meet the performance guarantee requirements established by the Planning Board.
  - G. If the subdivision is located in more than one municipality, the Board shall have a joint meeting of the Planning Board of the adjacent municipality to discuss the Plan.
2. Submission of Final Plan. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for

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subdivisions containing more than seventy-five acres may be to a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for the endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may, instead submit one reproducible stable based transparent copy of the final plan and one recording plan with three copies of the final plan. In addition, one copy of the final plan, reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. Reference Appendix F of this Article.

3. The application for approval of the final plan shall include all of the information required under Section 4-803 and the following information:
  - A. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.
  - B. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
  - C. A list of construction items with cost estimates what will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:
    - 1) Schools, including busing.
    - 2) Street maintenance and snow removal.
    - 3) Police and fire protection.
    - 4) Solid waste disposal.
    - 5) Recreation facilities.
    - 6) Storm water drainage.
    - 7) Wastewater treatment.
    - 8) Water supply.The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.
  - D. Proof of adequate technical and financial capacity to complete the proposed subdivision.

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- E. If the subdivision is a condominium, a copy of the declaration and other documents required by statute or to be recorded in the Registry of Deeds.
  - F. The applicant shall deliver to the Planning Board executed and notarized deeds conveying permanent easements to the Town of Farmingdale for the construction, maintenance, repair and replacement of necessary sewer and storm drains. Such easements shall not be less than 20 feet in width (10 feet from center of drain on each side).
4. Final Approval and Filing.
- A. No plan shall be approved by the Planning Board if the subdivider is in default on a previously approved plan.
  - B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A. § 4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall issue a written order:
    - 1) denying approval of the proposed subdivision; or
    - 2) granting approval of the proposed subdivision; or
    - 3) granting approval upon any terms and conditions that it considers advisable to:
      - a) satisfy the criteria listed in 30-A M.R.S.A. § 4404;
      - b) satisfy any other regulations adopted by the reviewing authority;
      - c) protect and preserve the public's health, safety and general welfare.
  - C. The Planning board shall make written findings of fact establishing that the proposed subdivision does or does not meet the criteria described in 30-A M.R.S.A. § 4404 and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Assessors. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the plan is approved and signed by the Board shall become null and void.
  - D. At the time the Board grants final plan approval, it may permit the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Board shall require the plan to be divided into sections to prevent classroom overcrowding.
  - E. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with this Article. The Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. § 4404, and these regulations. In the event that a plan is recorded without complying with this

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requirement, it shall be considered null and void.

- F. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- G. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, after notice and hearing, the Board may cause a notice placed in the Registry of Deeds to that effect.

## **Sec. 4-806 General Requirements**

1. No person shall install, erect, or construct, or cause to be installed, erected, or constructed any such installation as buildings, signs, or other fixtures excepting only the installation of other property devoted to the public use of any public utility or district and underground pipelines, in, upon or near any street or lot line as follows:
  - A. Within 30 feet from the right-of-way line of any existing street or proposed street or, where the existing right-of-way line is indiscernible, 50 feet from the center line of the existing traveled way.
  - B. Distance from lot line on the side or rear not abutting any street or right-of- way, house, trailer, garage, shed, etc. to be 20 feet minimum.
  - C. No fences, shrubbery, or hedges to be planted on town right-of-way.
  - D. Fences or hedges or ground elevation on "corner lots" shall not obstruct line of-sight for a distance of 30 feet along each street at intersection at street level
2. The Planning Board may require that the developer provide space for future municipal uses.
3. Street trees and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
4. Subdivisions containing fifteen (15) lots or more, or the reasonable potential for fifteen (15) lots or more, shall have at least two street connections with existing public streets or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plan for which a bond has been filed.
5. Entrances onto existing or proposed collector streets shall not exceed a frequency of one (1) per 400 feet of street frontage.
6. A Cul-de-Sac, or dead end street, shall not exceed 2000 feet.
7. The names of new streets shall be approved by the Addressing Officer in accordance with the provisions of Chapter 5, Article 3 of this Code.
8. Street name signs shall be furnished and installed by the subdivider or he shall



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reimburse the Town for all costs incurred to furnish and install signs. The type, size, and location shall be to the approval of the Board.

9. The developer shall provide a statement from a licensed State of Maine Land Surveyor or Professional Engineer that the proposed subdivision will not create erosion, drainage, or runoff problems either in the subdivision or in adjacent properties. The developer shall submit a surface drainage plan showing ditching, culverts, catch basins, storm sewers, easements, and other proposed improvements. The developer shall be held financially responsible to the Town for the correction of any problems indicated in this Section.
10. Permanent reference monuments shall be set at all corners and angle points of the boundaries of the original tract to be subdivided. All lot corner markers shall be permanently located and shall be at least three-quarter (3/4) inches (if metal) in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade. Location of these are to be shown on the Final Plan.
11. Written certification by the Board of Selectmen to the Planning Board of compliance with the Street Design and Construction Standards or of adequate assurance of such compliance under Article I of Chapter 3 of this Code, shall be a condition of subdivision approval.

## **Sec. 4-807 Cost**

The Planning Board may charge to a subdivider, in addition to the Application fee, such costs as are reasonable for independent studies, reviews, reports, etc., that the Planning Board deems necessary over and above those furnished by the subdivider. The appropriate Application Fee may be reviewed in Appendix 1

## **Sec. 4-808 Enforcement**

No person, firm, corporation or other legal entity may convey, offer, or agree to convey any land in a subdivision which has not been approved by the Planning Board. No subdivision plat or plan shall be recorded by the Register of Deeds which has not been approved as required. Approval for this purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved. Any approved final plan will be recorded at the Register of Deeds with three (3) certified copies returned to the Farmingdale Planning Board within 14 days from completion of recording.

The Town of Farmingdale and its appropriate Municipal Officers may institute proceedings to enjoin the violation of this Article. Penalties shall be in accordance with Article I of this Chapter.

## **Sec. 4-809 Severability**

If any provision of this Article is held to be invalid for any reason, such invalidity shall not affect the remaining provisions of this Article which shall remain in full force and effect.

Effective: April 16, 1974

Revised: June 28, 2014