

Guilford Subdivision Regulations

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Section 1. Authority:

The Guilford Planning Board is authorized and empowered to approve Subdivisions in the Town of Guilford pursuant to the provisions of Title 30, section 4956 of the Maine Revised Statutes, as amended.

Purpose:

To provide for the orderly subdivision of land consistent with the rights of property owners, the buyers and users of such property, and the town and its inhabitants in conformance with state law and the town's comprehensive plan.

Section 2. Definitions:

- 2.1 Board means the planning board of the town of Guilford, Maine.
- 2.2 Easement means an acquired privilege or right of use which one party may have in the land of another.
- 2.3 Lot means a parcel of land capable of being occupied by one principal structure and its accessories, or used for one particular purpose and designated as such on a plat, with a lot ratio not to exceed four to one.
- 2.4 Plat means a map, plan, drawing or chart on which a subdivision of land is shown, and final plat means the final map, plan, drawing, or chart on which the subdivider's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the register of deeds of Piscataquis County for recording.
- 2.5 Right of Way shall mean a strip of land used for or intended to be used for a street, cross-walk, water main, sanitary or storm sewer main, or for other special use including public use. The usage of the term "right-of-way" for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a record plat is to be separate and distinct from the lots and parcels adjoining such right-of-way, and not to be included within the dimensions or areas of such other lot or parcels.
- 2.6 Setback means the distance between a legal boundary (right-of-way, lot line, or property line, and the closest point of any part of a structure.)
- 2.7 Road means, and includes street, avenue, boulevard, road, alley, highway or other way, including all the land between the sidelines of the layout or conveyance or dedication therefore but shall not include driveways serving not more than two adjacent lots.

- 2.8** Subdivider means the registered owner (s) or the authorized agent of the registered owner(s) of a subdivision.
- 2.9** Subdivision means the division of a tract or parcel of land into three or more lots within any 5-year period, whether accomplished by sale, lease, development, building or otherwise except when the division is accomplished by inheritance, order of court or gift to a relative, unless the intent of such gift is to avoid the objectives of this section.

In determining whether a parcel of land is divided into 3 or more lots, land owned and retained by the subdivider for his own use as a single family residence for a period of at least 5 years shall not be included.

No sale or lease of any lot or parcel shall be considered as being part of a subdivision if such lot or parcel is 40 acres or more in size. When three (3) or more such parcels are involved, a plot plan shall be submitted to the Planning Board.

Section 3. General requirements for subdivisions.

- 3.1** **A.** Any lot subject to tree growth tax law designation shall be taken out and penalty paid by the subdivider.
- B.** When reviewing any subdivision for approval, the planning board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:
- a.** Will not result in undue water or air pollution. In making this determination it shall at least consider; the elevation of land above sea level and its relation to the flood plains, the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations.
 - b.** Has sufficient water available for the reasonable foreseeable needs of the subdivision.
 - c.** Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
 - d.** Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
 - e.** Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.
 - f.** Will provide for adequate solid and sewage waste disposal.
 - g.** Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.

- h.** Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services.
 - i.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.
 - j.** Is in conformance with the Town of Guilford’s comprehensive plan, and land use plan, if any, and all other applicable local and state regulations.
 - k.** The subdivider has adequate financial and technical capacity to meet the above stated standards.
 - l.** Whenever situated, in whole or in part, within 250 feet of any shoreland zone, will not adversely affect the quality of the land or the water.
- 3.2** The subdivider shall submit a plat to the Board which shall present any and all information required by the board. Durable monuments at least 4x4 inches on the top and at least 36 inches long shall be set at all lot corners. (Suggested.)
- 3.3** Land designated as wetlands, swamps, marshes, bogs, natural drainage ways, flood plains, or other lands that can not be safely used for building purposes shall not be platted for residential occupancy or other uses which may increase danger to health, life, or property.
- 3.4** Shoreland subdivisions, whether year-round or seasonal, shall provide access to abutting water bodies by all owners and residents within the subdivision unless an exception, in writing, is granted by the Board.
- 3.5** The planning board shall issue an order denying or granting the proposed subdivision, or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in safety and general welfare. In all instances the burden of proof shall be upon the person proposing the subdivisions.

Section 4. Improvement requirements.

- 4.1** All planned roads, drainage, or other improvements shall be installed and constructed by the subdivider to the satisfaction of the Selectmen of Guilford before the submission of the final plat, or the subdivider shall file a bond in an amount sufficient to cover the cost of construction of said improvements prior to approval of the final plat. This bond shall be approved as to form and sureties by the legal counsel of the Town of Guilford and conditioned on the completion of such improvements within 3 years of the date of the bond. Sufficient collateral may be substituted in lieu of bond.
- 4.2** Subdivision roads shall be logically related to the topography and existing public roads so as to produce usable lots, reasonable grades, safe intersections, and safe and convenient traffic distribution.

- 4.3** No road right-of-way shall be less than 50 feet in width for a service street and 66 feet for a rural road or collector street and may be required to be more if a greater street width is warranted in the opinion of the Board.
- 4.4** Dead-end roads shall be provided with a turn-around roadway at the closed end with a minimum radius of 60 feet from the center to the outside edge of the right-of-way.
- 4.5** No horizontal curves shall have a center line radius of less than one hundred and fifty feet, except turn-arounds on a dead-end-street. For changes in grade exceeding one per cent, a vertical curve shall be provided insuring a minimum sight distance of one hundred and fifty feet.
- 4.6** Grades of all streets shall conform in general to the terrain and shall so far as practicable not exceed ten per cent.
- 4.7** Intersecting property lines at street intersections shall be joined by a curve of at least a twenty-foot radius.
- 4.8** Streets should be laid out to intersect as nearly as possible at right angles. No street shall intersect another with an angle of less than sixty degrees. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred fifty feet between their center lines.
- 4.9** Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall not be less than fifteen feet in width and shall have satisfactory access to existing or proposed public ways. Watercourses proposed for public control shall have a permanent easement of not less than twenty feet.
- 4.10** The roadway or traveled way exclusive of grass strip and sidewalk areas shall have a width of at least twenty-four feet. At the discretion of the planning board additional width may be required.
- 4.11** All subdivision roads and roads connecting subdivision roads to town maintained roads shall be constructed in accordance with the following specifications:
- a.** All topsoil, loam, blue and marine clay, muck and stumps and other improper road foundation material must be removed from the limits of the road bed to depth of at least 18 inches or to suitable sub-base. Topsoil shall be removed from areas that will be filled. Loam or improper road foundation materials must be excavated and replaced with bank-run gravel or broken rock.
 - b.** All roads shall be crowned $\frac{1}{2}$ inch per foot from the center line with the exception of banked curves.

- c. The base course shall consist of bank-run gravel, free from loam or organic matter to a depth of 18 inches.
 - d. The finish course shall consist of crushed stone and fine gravel not to exceed $\frac{3}{4}$ inches in diameter to a minimum depth of three inches.
- 4.12 All proposed drainage facilities and culverts shall be installed. Natural water courses shall be cleaned and increased in size where necessary to take care of storm runoff. Drainage ditches at least three feet in width and sixteen inches in depth at their midpoint below center line grade shall be constructed in the street right-of-way on both sides of the roadway. Culvert sizes and lengths shall be approved by the Selectmen before installation.
- 4.13 The roadway shall be graded to the final grade in accordance with the profile and cross-section submitted, and the as-built construction shall be plotted thereon.
- 4.14 All utilities to be placed underground where feasible (at the discretion of the planning board.)

Section 5. Procedure.

5.1 Pre-application.

Previous to the formal submission of a subdivision layout, a subdivider, in order to save himself the cost of needless changes at a later date, may appear at a regular meeting of the Board and submit a sketch plan for discussion with the Board.

5.2 Application.

Whenever a subdivision is proposed and before any contract or offer for the sale, rent or lease of lots in the subdivision shall have been negotiated, the owner(s) thereof or his agent shall apply in writing to the Board for approval of such subdivision on a form to be provided by the Board. Such application shall give the addresses of all abutting property owners. Applications for approval shall be filed with the secretary of the Board not less than five days before any regular meeting of the Board; the secretary shall furnish the applicant with a receipt for the same.

5.3 Filing fee.

Application for approval of a subdivision shall be accompanied by a fee of \$300.00.

5.4 Preliminary layout.

a. Normal procedure. Three copies of the preliminary layout shall be filed with the Board. The Board will study the preliminary street and lot layout and proposed improvements in connection with the topography of the area, the needs of the surrounding area and neighborhood, the conditions of the area and any other pertinent state or local regulations.

b. Waiver procedure. When a proposed subdivision is presented for approval in which no streets are created or extended, the Planning Board may modify the platting requirements to a land survey which shows the general location and the property dimensions of all resulting lots, access provided to owners of adjacent property, and general topography.

5.5 Revision of preliminary layout.

The Board before taking formal action shall hold a discussion or hearing with the subdivider and may hear and confer with other parties whose interest may be affected by the proposed layout. After such discussion the Board shall communicate in writing within thirty (30) days to the developer the specific changes, if any, which it will require in the preliminary plat and the types and amount of construction or improvements it shall require as a condition preceding the approval of the subdivision plat. The Board may disapprove of the preliminary layout in its entirety, but shall state its reasons for such disapproval. Any approval shall be considered only as tentative and shall not be entered on the plat. If the subdivider wishes to develop a subdivision in sections, this shall be indicated on a preliminary plat.

5.6 Abandonment and re-submission.

A preliminary plat shall be considered to have been abandoned by the developer if he has not submitted a final plat for all or a portion of such subdivision within one year from the date of submission of the preliminary plat. The date of submission of the plat shall be considered to be the date of the next regular meeting of the Board, at least five days prior to which the application for plat approval, complete and accompanied by the required fee and all data required by section 6 of these regulations, has been filed with the secretary of the Board. The developer may be granted an extension of this time by the Board upon written application, and for reasons deemed adequate by the Board. An abandoned plat cannot be revived but shall require a complete new submission for further consideration by the Board.

5.7 Final Plat.

A. The subdivider, after official notification by the Board with respect to the preliminary plat and the changes, if any, to be made therein, shall, within six months thereafter, file with the Board drawings of the final plat, provided however, that if the preliminary plat shows development by sections, the final plat may be of one of the sections to be then developed.

B. The subdivider shall tender offers of cession in a form certified as satisfactory by legal counsel for the town of all land included in streets, highways, or parks not specifically reserved by him, but approval of the plat by the Board shall not constitute an acceptance by the town of the dedication of any street, highway, park, or other public open spaces. Before the final plat shall have been approved or disapproved, the Board may, if it deems necessary, hold a public hearing on the plat. A bond must also be filed.

5.8 Board action on final plats.

A. Approval. The planning board shall place on its agenda for consideration any plat (survey) submitted to it within thirty days and shall act to approve or disapprove within ninety days. Approval of the plat shall be made by written endorsement of the Board or by other evidence as required herein, and the chairman or secretary of the Board shall transmit a copy of such approval in writing to the registrar of deeds of Piscataquis County.

B. Disapproval. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated upon the records of the Planning Board and notice given to the applicant.

Section 6. Preliminary Layout.

Subdividers shall file with the Board three copies of a preliminary layout to scale showing or accompanied by the following information:

- 6.1 Proposed subdivision name, name and address of owner of record, name of subdivider and person making layout, date, north point and scale.
- 6.2 Names of owners of record of abutting properties, abutting roads, right-of-ways, easements, and other pertinent facts regarding abutting property.
- 6.3 Location of property lines and their approximate dimensions, existing easements, buildings, water courses, ponds or standing water, and other essential features. Wetlands delineation must be on the site plan, on subdivisions of any size.
- 6.4 Existing water mains, sewers, culverts, drains and means of providing water supply and disposal of sewage and surface drainage.
- 6.5 Location, name and widths of existing and proposed streets and high-ways.
- 6.6 The preliminary layout shall show the boundaries of proposed permanent easements over or under private property.
- 6.7 Proposed lots, approximate size of each lot, and setback requirements, if applicable.
- 6.8 Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- 6.9 Preliminary location and size of any bridges or culverts which may be required.

- 6.10 Temporary stakes along center lines of roads shall be driven in the ground to facilitate inspection.
- 6.11 Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.

Section 7. Final Plat.

- 7.1 The final plat submitted for approval and subsequent recording shall be submitted in triplicate, for recording in Piscataquis County Registry of Deeds. Adequate space should be available on the map for the necessary endorsement by the proper authorities. Wording for this shall read (approved by the Guilford Planning Board on _____). **Certified by (list of Board members names.)**
- 7.2 The final plat shall show the proposed subdivision name or identifying title, the name and address of owner of record and subdivider, the name of the surveyor, or the license number and seal of the professional engineer, date, scale, and north point.
- 7.3 Street lines, setback lines, pedestrian ways, lot lines, lot sizes in square feet, reservations, easements and areas to be dedicated to public use and areas the title to which is reserved by the developer.
- 7.4 Typical street cross-sections, approximate street grades and profiles, and location and sizes of any bridges or culverts.
- 7.5 Typical design and location of any proposed on-lot sewerage and water systems, and location and size of any proposed storm pipe and catch basins.
- 7.6 Sufficient data to determine readily the location, bearing, and length of every street right-of-way line, lot line, easement line, reservation line and boundary line, and to permit reproduction of such lines upon the ground. All dimensions shall be shown to the nearest hundredth of a foot, and bearings to the nearest minute. The error of closure for blocks enclosed by streets shall not exceed one in five thousand. The final plat shall show the boundaries of the property.

Section 8. Variances.

Where strict conformity with these regulations would cause undue hardship or injustice to the subdivider, a subdivision plat substantially in conformity with these regulations may be approved by the Board, provided that the spirit of these regulations and public convenience and welfare will not be adversely affected.

Section 9. Amendments.

These regulations shall be amended or rescinded by a majority vote of the governing body. A record of any changes so authorized shall be submitted to the Register of Deeds of Piscataquis County.

Section 10. 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, and recorded in the proper registry of deeds. No subdivision plat or plan shall be recorded by any registrar of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine on not more than \$1000.00 for each conveyance, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

Section 11. Separability

If any section, provision, portion, clause or phrase of these regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect or invalidate any other section, clause, provision, portion or phrase of this ordinance.