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## **§ 165-124 Purpose; municipal reviewing authority.**

This article provides specific instructions and the necessary development standards for the review of subdivisions under the land development permit review process established in Article XVI. This review meets the requirements of 30-A M.R.S.A. §§ 4401 through 4407, the Subdivision Law, which requires local approval of subdivisions, and also meets the requirements of 38 M.R.S.A. § 489-A of the Site Location of Development Act for municipal review of subdivisions (in place of the Board of Environmental Protection). For the purpose of this chapter, the Planning Board of the City of Bangor is hereby designated the municipal reviewing authority.

## **§ 165-125 Preapplication.**

Preapplication is not mandatory under this chapter but is recommended for any large development.

- A.** A preapplication may be filed by the subdivider or his/her agent with the Staff Coordinator at any time. The purpose of such preapplication is to provide the subdivider and the planning staff with an informal forum to discuss a proposed subdivision regarding procedures for application, lotting arrangements, solar access of lots, street layout and other objectives of this article.  
[Amended 1-9-2017 by Ord. No. 17-055]
- B.** A preapplication plat shall show on a map such information as necessary to enable the subdivider and the Planning Officer to review and comment on the proposed subdivision.
- C.** After review of the preapplication plat, the Planning Officer may notify the subdivider, in writing, of any ordinance requirements, planning concerns or recommendations regarding the proposed subdivision.

## **§ 165-126 Minor subdivision.**

- A.** Application. The subdivider seeking approval of a minor subdivision shall file an application for minor subdivision plat approval with the Staff Coordinator. The application shall include the submission of prints consistent with the requirements of § 165-112, and at least two reproducible copies of the final lotting plan meeting the recording requirements of the Penobscot County Registry of Deeds and the submission of a topographic map of the subdivision having contours of not greater than two-foot intervals.  
[Amended 1-12-2009 by Ord. No. 09-029; 1-9-2017 by Ord. No. 17-055]
- B.** Review. The Planning Officer shall review the application for compliance with the provisions of this chapter and shall, within 10 days, either place the application on the agenda for the next Planning Board meeting or notify the subdivider, in writing, of the deficiencies in the application and recommend modifications. The subdivider may then either amend the application in accordance with the recommendations of the Planning Officer or request review thereon without amendment at the next regularly scheduled Planning Board meeting.
- C.** Preparation. The final subdivision plat for a minor subdivision and the topographic map required in Subsection B above shall be prepared or approved by a registered land surveyor or a registered professional engineer, shall contain a signature block, and shall bear the stamp of such registered person.  
[Amended 1-9-2017 by Ord. No. 17-055]
- D.** Contents. The final subdivision plat for a minor subdivision shall contain the following:
  - (1) The date; the names of the owner, subdivider and subdivision; arrow showing true North; the lot area(s) and total acreage of the subdivision; and the scale, not less than 100 feet to the inch.
  - (2) The boundary lines and the individual lot lines with dimensions and a tie to some existing known mark approved by the City Engineer.
  - (3) The location of existing and proposed monuments and pins.
  - (4) The relation of the proposed subdivision to the existing street system.
  - (5) All lands reserved for open space, public as well as private, or for future access.

- (6) The location of abutting properties and the names of the abutting property owners.
  - (7) The location and use of all existing or proposed easements within the subdivision.
  - (8) Evidence of the feasibility of provision of on-site waste disposal on each lot where public sewerage is not available.
- E. Additional information. The subdivider shall provide any other information that the Planning Board deems necessary in order to adequately review the minor subdivision proposal, including but not limited to data on soils, wetlands and drainage.
- F. Minor subdivision approval standards. When reviewing a final plan of a minor subdivision, the Planning Board shall determine that the subdivision meets the following standards:
- (1) The subdivision shall meet the State of Maine guidelines for subdivision approval contained in 30-A M.R.S.A. § 4404, as may be amended.
  - (2) The plat shall conform to existing zoning regulations regarding lot dimensions and areas.
  - (3) At least one side of every lot shall abut an existing improved public street or a Planning Board approved private street.
  - (4) The side lot lines shall be at right angles to straight street lines and radial to curved street lines unless a variation from this will provide improved solar access.
  - (5) Corner lots shall have adequate width to permit required building setback from both streets.
  - (6) The subdivision part shall contain all the information required in Subsection D(1) through (8) above.
- G. Review by Engineering Department. Before approval of the final subdivision plat by the Planning Board, a review of such plat shall be made by the Engineering Department for compliance with health, sanitation and engineering standards, and in no case shall a final plat of a minor subdivision be approved by the Planning Board without a written report from the City Engineer.
- H. Action by the Planning Board. The signature of a majority of the Planning Board members (four members) on this final lotting plan shall constitute final approval of a minor subdivision. If disapproved, the Planning Officer shall notify the subdivider, in writing, of the reasons for such disapproval and shall return the reproducible copies of the final plat to the subdivider.
- [Amended 12-27-2000 by Ord. No. 01-63; 2-11-2008 by Ord. No. 08-070]

## **§ 165-127 Approval under Site Location of Development Act.**

Procedure for approval of subdivisions under 38 M.R.S.A. § 489-A shall be as follows:

- A. Submittals. Applicant shall submit an application and four copies of all plans and supporting materials to the Staff Coordinator.
- [Amended 1-9-2017 by Ord. No. 17-055]
- B. Development standards. Applicant shall meet the standards of 38 M.R.S.A. § 484, as amended, and the requirements for major subdivision under § 165-128 below and shall meet the requirements of the Department of Environmental Protection regulations, Chapters 371, 372, 373, 374, 375, 376 and 377, which are hereby adopted for this section by reference.
- C. Upon receipt of a complete application and filing fees, the Planning Division staff shall notify the Commissioner of the Department of Environmental Protection.
- D. The Planning Division staff will have 30 days to review the completed application and make its recommendation to the Planning Board.
- E. The planning staff shall notify, in writing, all property owners of record within 100 feet of the proposed subdivision.
- F. If it deems it necessary, the Planning Board will hold a public hearing on the proposed subdivision at the next regularly scheduled meeting not more than 30 days nor less than 14 days from receipt of a completed application. Within 21 days of Planning Board review or a public hearing, the Planning Board will approve, approve with conditions or modifications or disapprove the proposed subdivision, unless the applicant and the Planning Board shall agree mutually to an extension of such time period to allow further time for revisions and resubmittal of application materials.