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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.

- G. The Staff Coordinator shall publish notice of any required public hearing in a newspaper of general circulation at least 10 days prior to such public hearing before the Planning Board.  
[Amended 1-9-2017 by Ord. No. 17-055]
- H. The Planning Division staff shall notify the applicant, in writing, of the Planning Board decision and shall forward copies of the application, the permit and the Planning Board's decision to the Board of Environmental Protection by certified mail within 14 days of the Planning Board action.
- I. No approval granted by the Planning Board under this section shall become effective until 45 days subsequent to its granting, as the Board of Environmental Protection may deny or modify such applications within this forty-five-day period.
- J. Approval of a subdivision under this section constitutes subdivision approval under those provisions of this chapter fulfilling the requirements of 30-A M.R.S.A. §§ 4402 through 4407.
- K. In the event that the applicant's request is denied by either the Planning Board or the Board of Environmental Protection, the applicant may request a hearing before either of the above with reasonable public notice given.

## **§ 165-128 Major subdivision.**

The approval of a major subdivision by the Planning Board shall require the approval by said Board of both a preliminary plat and a final plat.

- A. Procedures for filing for approval of the preliminary plat of a major subdivision.
  - (1) Application. The subdivider seeking approval of a major subdivision shall, at least 14 days prior to the Planning Board meeting at which consideration is desired, file an application for major subdivision preliminary plat approval with the Staff Coordinator. This application shall include the submission of two copies of the preliminary subdivision plat of the preliminary plat and the following engineering data: preliminary cross sections and plans and profiles of proposed streets and underground utilities.  
[Amended 1-12-2009 by Ord. No. 09-029; 1-9-2017 by Ord. No. 17-055]
  - (2) Staff 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 Planning Board review therein without amendment.
  - (3) Preparation and content. The preliminary subdivision plat for a major subdivision and the engineering data required in Subsection A(1) above shall be prepared or approved by a registered land surveyor or a registered professional engineer. The preliminary plat for a major subdivision shall contain the following:
    - (a) The date; the name of the owner, subdivider and subdivision; an arrow showing true North; the total acreage of the subdivision; and the scale, not smaller than 100 feet to the inch.
    - (b) The boundary lines and the lot lines of all proposed lots with approximate dimensions.
    - (c) The relation of the proposed subdivision of the existing street system.
    - (d) A topographical map having contours at two-foot intervals.
    - (e) All lands proposed for open space, public as well as private.
    - (f) The location of abutting properties and the names of abutting property owners.
    - (g) The location and use of all existing or proposed easements within the subdivision.
    - (h) The location of all overhead and underground utilities.
    - (i) Preliminary engineering design of proposed public streets and utilities.
  - (4) Additional information. The subdivider shall provide any other information that the Planning Board deems necessary in order to adequately review the major subdivision preliminary plat, including but not limited to data on soils, wetlands, drainage and a traffic impact analysis.

- B. Public hearings. The Planning Board shall hold a public hearing before granting approval of the major subdivision preliminary plat. The Staff Coordinator shall cause notice of said public hearing to be published in a newspaper of general circulation in the City of Bangor at least two times, the date of the first publication to be at least seven days prior to said hearing. The owners of property abutting and/or within 100 feet of the proposed subdivision shall be informed by United States Mail of said hearing. The cost of said hearing notices shall be borne by the subdivider. The owners of the property shall be considered to be those owners on record in the Bangor Assessing Department. Failure of any person owning property within 100 feet of the proposed subdivision to receive notice of the public hearing shall not necessitate another hearing nor invalidate any action of the Planning Board.

[Amended 1-9-2017 by Ord. No. 17-055]

- C. Major subdivision preliminary plat approval standards. When reviewing a preliminary plat for a major subdivision, the Planning Board shall consider the following criteria:

- (1) The subdivision shall meet the State of Maine guidelines for subdivision approval contained in 30-A M.R.S.A. § 4404.
- (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 improved public street, a Planning Board approved private street or a proposed public 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) All proposed streets shall provide connection with existing streets.
- (7) Streets shall be laid out so that no intersection shall be at an angle of less than 60°.
- (8) There shall be no permanent dead-end streets without a paved turnaround having a minimum outside diameter of 100 feet. As an alternative, short (500 feet or less in length) residential access streets may have paved hammerhead turnarounds if approved by the City Engineer.
- (9) Land designated on the Official Map for right-of-way purposes shall be set aside in the subdivision for that purpose and deeded to the City.
- (10) Street grades shall be not less than 1.0% nor more than 6%. Upon review and approval by the City Engineer, grades greater or less than this standard may be allowed.
- (11) Right-of-way widths.

[Amended 3-14-2005 by Ord. No. 05-87]

- (a) Street right-of-way widths shall not be less than the following:

Street Type	Right-of-Way (feet)
Residential access	50
Residential	60
Collector/commercial/industrial service	80
Major arterial	100
Freeway (divided highway)	120
Rural	66

- (b) Notwithstanding Subsection C(11)(a) above, a commercial or industrial service right-of-way width may be reduced to 66 feet where:

[1] The right-of-way terminates in a cul-de-sac and services no through traffic;

[2] The cul-de-sac serves no more than 10 lots; and

- [3] The City Engineer issues a written report that the reduced right-of-way width will be sufficient to accommodate the projected traffic generation and utility needs of the proposed development served by the street.

**(12) Collector or arterial streets.**

- (a) Where a subdivision borders on or contains an existing or proposed collector or arterial street, the Planning Board shall require that access to such streets be limited by one of the following means:

- [1] The arrangement of the lots so that they back on the collector/arterial street and front onto a parallel service street. No access shall be provided from the collector/arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.
- [2] A series of culs-de-sac, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel service street, with the rear lines of their terminal lots backing on the collector/arterial street.
- [3] A marginal access or service road separated from the collector/arterial street by a planting or grass strip and having access thereto at a limited number of points.
- [4] Shared drives to provide access to two or more lots.

- (b) If the Board shall find that it is in the public interest and serves the intent of this provision, it may require some alternate arrangement to Subsection C(12)(a)[1] through [4] above.

- (13) The number and spacing of access drives shall at a minimum be restricted to no more than one two-way drive every 120 feet of frontage on such streets, nor shall such drives be located within 120 feet of the right-of-way line of the cross street at any intersection. One-way entrances and one-way exits may be closer spaced, but no such one-way entrance shall be located within 150 feet of such other entrance or two-way drive, nor shall such one-way exit be located within 150 feet of such other exit or a two-way drive.

**(14) Interconnection of street and pedestrian systems.**

[Added 4-24-2006 by Ord. No. 06-2006]

- (a) Subdivisions shall provide for connectivity with other potential subdivisions on bordering parcels. This shall be accomplished through establishment of reservations for street rights-of-way to adjacent parcels, where appropriate.
- (b) Subdivisions shall allow for connectivity of trail systems and the reservation of easements for walking and biking trails.

**(15) The preliminary plat shall contain all information required in Subsection C(1) through (14) above.**

[Amended 4-24-2006 by Ord. No. 06-2006]

- D. Action by Planning Board. The Planning Board shall, at the Planning Board meeting at which the public hearing is held, determine whether the major subdivision preliminary plat shall be approved, approved with modifications or disapproved. If the preliminary plat is approved or approved with modifications, the Planning Officer shall notify the subdivider, in writing, including any required modifications. If the plat is disapproved, the Planning Officer shall notify the subdivider, in writing, of the reasons for such disapproval.

**E. Procedures for filing for final approval of a major subdivision,**

- (1) Application. The subdivider seeking approval of a final plat of a major subdivision shall, at least 20 days prior to the Planning Board meeting at which consideration is desired and within 12 months of preliminary plan approval by the Planning Board, file an application for major subdivision final plat approval with the Staff Coordinator. Such final plans should conform substantially to the plans which received preliminary plan approval by the Planning Board. 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.

[Amended 1-12-2009 by Ord. No. 09-029]

- (2) Staff 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 Planning Board review thereon without amendment at the next regularly scheduled Planning Board meeting.
- (3) Preparation. The final plat of a major subdivision 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 a registered person.  
[Amended 1-9-2017 by Ord. No. 17-055]
- (4) Contents. The final plat for a major subdivision shall contain the following information:
  - (a) The date; the names of the owner, subdivider and subdivision; an arrow showing true North; the total acreage of the subdivision; and the scale, not less than 100 feet to the inch.
  - (b) The boundary lines and the individual lot lines with dimensions and a tie to some existing known mark approved by the City Engineer.
  - (c) The location of all existing and proposed monuments and pins.
  - (d) The relation of the subdivision to the existing street system.
  - (e) All lands reserved for open space, public as well as private, or for future access.
  - (f) The location of abutting properties and the names of the abutting property owners.
  - (g) The location and use of all existing or proposed easements within the subdivision.
  - (h) Final engineering design of all proposed streets, sewers, storm drainage and water mains.
  - (i) The location and identification of specimen trees which shall be preserved as part of the development of the subdivision.
- F. Review by City Engineer. Before approval of the final subdivision plan 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 major subdivision be approved by the Planning Board without a written report from the City Engineer.
- G. Major subdivision final plat approval standards. When reviewing a major subdivision final plat, the Planning Board shall determine that:
  - (1) The final plat contains the information required in Subsection E(4)(a) through (g) above.
  - (2) The final plat contains all changes or modifications required by the Planning Board.
  - (3) The Final Plat has been reviewed, in writing, by the City Engineer as required in Subsection F above.
  - (4) The final plat meets the standards for preliminary plat approval as contained in Subsection C(1) through (14) above.
  - (5) The final subdivision plat has not been substantively changed from the preliminary subdivision plat.
- H. Dedications.
  - (1) All applications for final plat approval shall include deeds and descriptions for all proposed public rights-of-way, utility easements and any other public area dedications transferring title to such areas and easements to the City of Bangor without compensation.
  - (2) Reservations for parks, open space or school site use shall equal 5% of the gross acreage of the subdivision unless otherwise specified by this chapter. The location of such acreage within the subdivision shall be determined by the Planning Board, based on the Comprehensive Plan, and adopted open space plan.
  - (3) The means to provide for open space shall include land dedicated to the City of Bangor, land protected from development by conservation easement, land held and protected by a home owners' association, land or easements held by a land trust or other legally established body engaged in land preservation, or private ownership which ensures the land's protected state in perpetuity.

(4) Provisions for ownership and maintenance of open space or recreation areas. If land is to be set aside under the provisions of this section, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such land. The means for insuring the open space will be available in perpetuity shall be:

(a) Retain ownership and responsibility for maintenance of such land; or

(b) Dedicate such land to public use if the City or another public agency has indicated it will accept such dedication. If the subdivider proposed that the City or other body accept the land, the subdivider must provide evidence of acceptance by such body; or

(c) Provide for one or more organizations for ownership and maintenance of such land. Such organization may be either a corporation, community open space trust, or land trust. Such organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for applicable insurance and taxes on common open space and property; or

(d) Provide for and establish one or more organizations for ownership and maintenance of such land. Such organization shall be either a nonprofit homeowners' corporation or a community open space trust. If such organization is formed, it shall be formed and operated in accordance with the following rules:

[1] The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sales or lease of any lots or units within the development.

[2] The organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for applicable insurance and taxes on common open space and property.

(5) In cases where it is deemed not in the City's best interest to create such space within the subdivision, the Planning Board may accept a sum of money equal to the fair market value of the required open space acreage prior to development of the site to be placed in reserve for future land acquisition for public sites in such an area in lieu of land dedication. In the case of cluster development, cash in lieu is not applicable. The payment of such set-aside sum must accompany the necessary instruments of dedication required under this section, and must be submitted to the City within 120 days of final plan approval.

I. Action by the Planning Board. The Planning Board shall determine whether the major subdivision final plat shall be approved or disapproved. Approval requires a majority of affirmative votes of the Planning Board members (i.e., four votes). If approved, those members of the Planning Board voting in favor of approval shall affix their signatures to the two reproducible copies of the final plat and return one to the subdivider for filing at the Registry of Deeds. 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 2-11-2008 by Ord. No. 08-070]

## **§ 165-129 Developmental subdivision approval.**

It is the intent of these regulations that developmental subdivision review and approval be carried out simultaneously with conditional use and/or site plan review and approval under this chapter. The procedure for developmental subdivision approval shall be the same as that for minor subdivision approval contained in § 165-126 of this chapter and as provided for in Article XVI. Submittals for such approval shall meet submittal requirements for conditional uses and site developments required for a land development permit under Article XVI. Approval of such developmental subdivisions shall constitute subdivision approval under this article.

## **§ 165-130 Improvement guaranties.**

[Amended 1-9-2017 by Ord. No. 17-055]

The Planning Board shall not approve any major subdivision unless and until the subdivider provides a guaranty for the construction of all necessary public improvements, including sewer service, stormwater systems, water service, electrical service, streetlighting, and streets, sidewalks and aprons. Cost estimates for such public improvements must be approved by the City Engineer.

A. Guaranties authorized.

- (1) The subdivider shall provide guaranties in one of the following methods approved by the Planning Board and acceptable as to form by the City Attorney:
    - (a) Completion of construction of all improvements prior to final plan approval.
    - (b) Posting of a surety bond in an amount sufficient to cover costs of the proposed improvements.
    - (c) Placing of cash in escrow in an amount sufficient to cover costs of the proposed improvements.
    - (d) Submittal of a letter of credit from an established banking institution guaranteeing sufficient funds to cover costs of the proposed improvements and recognizing the City's interest in such improvements.
    - (e) Such other guaranty as the Planning Board shall find acceptable and shall be approved by the City Attorney and City Manager.
  - (2) Such guaranties shall be provided by the applicant within 120 calendar days of the date of approval by the Planning Board or the conditional approval shall lapse and the application shall be considered void. No subdivision plan shall be recorded in the Registry of Deeds unless and until the requirements of this subsection are met.
- B. Streets and utilities. Proposed streets and utilities will only be accepted by the City through City Council action pursuant to the provisions of Chapter 271, Streets, Article III, Establishment and Assessments.
- C. Release. An improvement guaranty shall not be released until the City Engineer has accepted all covered public improvements and has received and accepted a digital as-built plan that meets the requirements of § 165-10F and G and, if a major subdivision, § 165-128E(4) and, if a minor or developmental subdivision, § 165-126D.

### § 165-130.1 (Reserved) <sup>[1]</sup>

[1] *Editor's Note: Former § 165-130.1, Auxiliary private wind turbines, added 10-23-2006 by Ord. No. 06-339, was repealed 9-13-2010 by Ord. No. 10-292. See now § 165-29.1.*

### § 165-131 Improvement construction standards.

- A. Streets and roadways. The subdivider shall be required to provide the following:
- (1) Grades. Said street or way shall be graded to its full width for the distance for which acceptances are requested and shall conform accurately to the grades and cross sections determined by the City Engineer and shown on the plan and profile of said street or way.
  - (2) Clearance of stumps and roots. Said street or way shall be cleared of all stumps, roots, brush, perishable material and all trees not intended for preservation. All loam, loamy material and clay shall be removed from said street or way to the depths specified by the City Engineer.
  - (3) Subgrade. Said street or way shall be graded to the subgrade of not less than 25 to 28 inches, as specified by the City Engineer, for the road area and not less than 14 inches for the sidewalk areas below the finished grade shown on the plan, profile and cross section of said street right-of-way. The petitioner shall provide the land necessary for cut or fill slopes beyond the limits of the street right-of-way.  
[Amended 12-12-2016 by Ord. No. 17-021]
  - (4) Gravel base. The roadway area of said street or way shall be brought to the grade shown on the plan, profile and cross section of said street or way by suitable gravel or other material approved by the City Engineer. The base gravel shall be brought to within four inches of the finish grade, and the top four inches shall be selected materials suitable for finish grade on gravel roads. All gravel shall be thoroughly compacted and rolled and the final surface left true to the established lines and grades.
  - (5) Surface treatment. After the fine gravel has been thoroughly rolled, the surface of the roadway shall be covered with a bituminous pavement. This pavement shall cover the entire width of the roadway from esplanade to esplanade.
  - (6) Cost to subdivider. The initial cost of construction of all improvements in a subdivision, shall be the responsibility of the subdivider. Such reimbursement of costs as the City Council deems appropriate are provided for in Chapter 271, Streets, Article III, Establishment and Assessments.  
[Amended 1-9-2017 by Ord. No. 17-055]

**B. Utilities.**

- (1) Sewer. Sewer shall be extended in accordance with standards set by the City Engineer and subject to the provisions of Chapter 271, Streets, Article III.
- (2) The design and location of storm and sanitary sewer systems shall be such as to adequately serve the area under development and shall meet with the approval of the City Engineer.
- (3) When, in the opinion of the City Engineer, it is deemed advisable, separate storm and sanitary sewers shall be provided.
- (4) Water. The developer shall arrange with the Bangor Water District for the installation of water services for the area under development.
- (5) Streetlighting. Adequate streetlighting, satisfactory to the City Electrician, shall be provided by the developer.  
[Amended 1-9-2017 by Ord. No. 17-055]
- (6) Other utilities. It shall be the responsibility of the developer to arrange for the installation of such other utilities as may be required.

**C. Monuments.** Monuments shall be erected at all important points as deemed necessary for surveying purposes by the City Engineer. The monuments shall be granite and shall conform to size and description in Chapter 271, Streets, Article IV of the Code of the City of Bangor. Furthermore, no lot shall be sold or conveyed in a subdivision unless at least one permanent marker is set at one lot corner of such lot in accordance with 30-A M.R.S.A. § 4406, Subsection 2.

**D. Sidewalks (nonindustrial subdivision).**

- (1) Sidewalks shall be provided at a minimum of six feet in width as deemed necessary by the Planning Board. At a minimum, the following conditions shall require sidewalks:  
[Amended 12-12-2016 by Ord. No. 17-021]

<b>Street Classification</b>	<b>Sidewalk Requirement</b>
Collector	Minimum sidewalk on one side of street
Major arterial (urban area)	Sidewalk required on each side of street

- (2) Sidewalk base. The sidewalk areas of said street or way shall be built to the lines and grades as shown on the plan, profile and cross section. The developer shall furnish all the gravel base and finish materials in place in accordance with the requirements and satisfactory to the City Engineer.
- (3) Sidewalk finished surface. The finished surface material shall consist of hot plant mix bituminous concrete or the developer may use portland cement concrete or such other material as approved by the City Engineer. All necessary driveway approaches between the sidewalk and roadway shall be included in the sidewalk work and shall be built in accordance with the requirements for the sidewalk.
- (4) Esplanade. In addition, the developer shall be required to grade, loam, fertilize and seed the esplanade between the sidewalk and roadway and to plant such trees in the esplanade as may be required by the City of Bangor.

**E. Aprons.** Driveway aprons and culverts underneath said aprons shall be built in accordance with standards set by the City Engineer.

[Added 1-9-2017 by Ord. No. 17-055]

## **§ 165-132 Waivers.**

The Planning Board may authorize a waiver of the standards of this article when, in its opinion, undue hardship may result from strict compliance. In granting such waiver, the Planning Board shall prescribe only conditions that it deems necessary or desirable for the public interest.

## **§ 165-133 Enforcement.**

[Amended 1-9-2017 by Ord. No. 17-055]

- A.** No building permit shall be issued by the Code Enforcement Division for the construction of any structure within a subdivision which has not received final approval from the Planning Board and been recorded in the Penobscot County Registry of Deeds. Final approval of the portion of the subdivision in which the structure exists constitutes final approval of the subdivision for purposes of this Subsection A. A final subdivision plan need not cover the entire subdivision in order to meet this requirement, so long as any building permit that is issued is for a structure that is in an area of the subdivision which has received final approval.
- B.** No building permit shall be issued by the Code Enforcement Division for the construction of any structure within a subdivision until all infrastructure needed to support said structure has been constructed, installed, and inspected by the appropriate City authority. Infrastructure includes, but is not limited to, public and private roads; sewer, water and electric mains; and stormwater infrastructure designed to treat water from the subdivision.
- C.** No certificate of occupancy for any structure will be issued by the Code Enforcement Division until the property for which the certificate is sought is in compliance with all applicable regulations, including but not limited to building, zoning, and stormwater requirements. A temporary certificate of occupancy may be issued when necessary under the provisions of § 165-113G.