

Article XVIII. Subdivision of Land

§ 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.

The signed application, and associated plans for the proposed subdivision amendment are enclosed in this submittal.

- (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.
Shown on the attached plans.
 - (b) The boundary lines and the lot lines of all proposed lots with approximate dimensions.
Shown on the attached plans.
 - (c) The relation of the proposed subdivision of the existing street system.
Shown on the attached plans.
 - (d) A topographical map having contours at two-foot intervals.
Topography is shown on the attached plans at two-foot intervals.
 - (e) All lands proposed for open space, public as well as private.
The remainder of the land that is not being developed is proposed for open space, for use of the residents of the subdivision.
 - (f) The location of abutting properties and the names of abutting property owners.
The abutting parcels are shown on the attached plans. A list of abutters with addresses is attached in Appendix C at the end of this application.
 - (g) The location and use of all existing or proposed easements within the subdivision.
There are no proposed easements within the subdivision at this time.
 - (h) The location of all overhead and underground utilities.
Shown on the attached plans.
 - (i) Preliminary engineering design of proposed public streets and utilities.

Shown on the attached plans.

- (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.

This application is for a subdivision of a 12.13 acre parcel located on Lancaster Ave. The parcel is located in a developed portion of the City of Bangor, surrounded by single family homes.

There are no known natural areas in the area.

- 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.
- 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.

The project has been designed to meet the state subdivision regulations.

- (2) The plat shall conform to existing zoning regulations regarding lot dimensions and areas.

The site is located in the LDR zone. The proposed density meets the requirements of the City of Bangor Land Use standards. The proposed density is reflective of the existing residences in the neighborhood, it does not exceed the density of the lots that surround the parcel. A spreadsheet attached in Appendix C verifies this.

- (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.

There is no proposal for subdivision of land. The units all have driveways accessing the proposed road through the development.

- (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.

Shown on the attached plans.

- (5) Corner lots shall have adequate width to permit required building setback from both streets.

There are no corner lots.

- (6) All proposed streets shall provide connection with existing streets.

The proposed street is an aligned extension of East Broadway, and will also have an intersection with Lancaster Avenue.

- (7) Streets shall be laid out so that no intersection shall be at an angle of less than 60°.

The proposed street is an aligned extension of the existing East Broadway. The other end of the proposed street will be at a 90° intersection with Lancaster Avenue.

(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.
The proposed street has two proposed accesses to existing City of Bangor Streets, as such, no dead end streets are being proposed.

(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.
The street will become a continuation of East Broadway. There are two new streets Wildwood Drive & Firefly Lane that will be constructed to the City of Bangor standards. The area allocated to the proposed right of way is shown on the attached plans.

(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.
All grades are between 1% and 6% as shown on the attached profile plan. The maximum proposed grade of the road is 6% and the minimum proposed grade of the road is 1%.

(11) Right-of-way widths.
The proposed street is being permitted and constructed as a residential road.

(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.
Not applicable.

(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.

The proposed driveways for the new residences are shown on the attached plans. Curb cuts will be predetermined.

- (14) Interconnection of street and pedestrian systems.
- There are no sidewalks being proposed within the development. Neither of the roads the proposed development is connecting to have sidewalks. The applicant is providing a sidewalk to be installed on Lancaster Avenue, as shown on the attached plans.**
- (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.

All items identified have been provided.

- 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.

Attached at the beginning of this submittal.

- (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.
 - (4) Contents. The final plat for a major subdivision shall contain the following information:
See attached plans.
 - (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:
See attached plans.
 - (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.
There is no public open space dedication being proposed for the development of this subdivision. The open space within the development will be for the use of the residents in the development.

- (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.

Open space provision for 5% of overall parcel is being satisfied by the area of the lot not being developed at this time.

- (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 homeowners' 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.

The project is proposing a walking trail to meet the open space requirement. That area will be held by the Homeowner's Association.

- (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 ensuring 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:

The development will be sold as individual units. The Homeowner's documents will be submitted as part of the final application.

- [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.

Chapter 165. Land Development

Part 1. Legal Provisions, Organizations and Administration

Article I. General Provisions

§ 165-9. Conditional uses.

The Planning Board is hereby authorized to grant conditional uses hereinafter set forth in this chapter in specific cases, after public notice and hearing, subject to appropriate conditions and safeguards. No conditional uses shall be granted unless specific provisions therefor are made in this chapter. All conditional uses shall be subject to land development permit approval as provided for in Article XVI.

A. Standards for conditional uses. Before the Planning Board shall grant a conditional use, it shall have determined that:

- (1) The development standards and use conditions of the district in which the property in question is located have been complied with. Conditional uses which also require a variance of development or other standards shall not be granted.

The project meets the standards for the zone.

- (2) The proposed use will not create unreasonable traffic congestion or hazardous conditions on contiguous or adjacent streets.

See the attached traffic analysis conducted by the City of Bangor Engineer in Appendix E.

- (3) The proper operation of the conditional use will be ensured by providing and maintaining adequate and appropriate utilities, fire protection, drainage, parking and loading and other necessary site improvements.

All utilities will be an extension and/or connections to public utilities.

- (4) The proposed use, although not appropriate for every site in the zone, is appropriate for the location for which it is sought because the proposed use will conform to the general character of the development in the immediate area as to architectural style, building bulk and extent and intensity of site use. As to architectural style, the applicant must show that the proposed structure conforms to the exterior facade, rooflines, shape and materials used on buildings in the immediate area. As to building bulk, the applicant shall cause his/her proposed building to conform to the height and existing ratio of land area to building area for other properties in the immediate area. For purposes of this chapter, the term "immediate area" shall include all properties located within the same block and within 500 feet of the site of the proposed use.

Attached are plans showing the proposed buildings' elevations. Also attached are photos of some of the existing homes in the vicinity of the proposed project. There is a variety of styles and sizes, but many are similar two story buildings. The proposed structures are similar in scale, bulk, and finish as the existing structures in the area. The proposed buildings will have residential siding and a combination of metal and asphalt shingled roofs similar to most of the area homes.