

# Chelsea Subdivision Ordinance

## Title:

- 1) This ordinance shall be known and cited as the Chelsea Subdivision Ordinance of the Town of Chelsea Maine.

## Purpose:

- 2) The purpose of this ordinance is to protect and preserve the public's health, safety and general welfare; and to assist the Planning Board in equitable implementation of these provisions.

## Definitions:

- 3) **Authority:** This ordinance is adopted by authority granted in 30 MRSA, Sec. 1917 and Sec. 4956.
- 4) **Subdivision:** A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins after September 23, 1971. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of said first 2 lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create at 3<sup>rd</sup> lot, unless both such lots for his own use as a single family residence for a period of at least 5 years prior to such 2<sup>nd</sup> dividing. Lots of 40 or more acres shall not be counted as lots. For the purposes of this section, a tract or parcel of land is defined as all contiguous land in the same ownership. Provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.
- 4a) Also, the division of certain buildings into 3 or more dwelling units within any 5 year period beginning September 23, 1988, and the construction or placement of 3 or more dwelling units on a single parcel of land within any 5 year period beginning June 29, 1989.

**Re-Subdivision:** A change of recorded Subdivision plot if such change affects any street layout shown on the plot. Or area reserved for public use. or any change of a lot line. Or any change if it affects any map or plot legally recorded.

\*\*\* **Street:** Any public way.

- c) The amounts in section B and B2, will be drawn down by the Town for all Town expenses incurred in application review. Whenever the escrow amounts are drawn down more than 75%, the applicant will pay the escrow amount per lot or unit again. When the project review is complete, any amount remaining will be returned to the applicant.

## **Part II**

- 1) The minimum size of any lot in a Subdivision (per Chelsea Minimum Lot Size Ordinance-6/28/94) shall be not less than 87,120 sq. feet (two acres) and also have at least 200 feet frontage on the street
- 2) Within the boundaries of the plan, each lot that is to be offered for sale or sold, must have had a soil sample taken and proof must be provided that the soil is suitable for some method of waste disposal allowed under the State Plumbing Code.
- 3) With the Subdivision of the final plan, the subdivider shall submit either a certified check payable to the Town of Chelsea, or a faithful performance bond to the Town of Chelsea, issued by a surety company acceptable to the Town's Treasurer in an amount of money determined by the Planning Board. The check or bond will be equal to the total of all the costs of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage and utilities specified in the final plan, conditioned on the completion of all such grading, paving, storm drainage, water main, fire hydrant, sewer and street installations within (1) year from the date of the check or bond.
- 4) Before releasing the check or bond, the municipal officers will determine to their satisfaction by a written certification signed by the Town Treasurer and the Planning Board Chairmen, that the subdivider has submitted to them, written statement signed by: 1) Road Commissioner-stating that streets and storm drainage have been constructed and completed in conformance with the final plan.

## **Part III**

- 1) A request for approval of a subdivision shall be made to the Planning Board in writing and shall be accomplished by three (3) copies of a preliminary plan.
- 2) The application for approval of the preliminary plan shall be submitted seven (7) days before a Planning Board meeting and will be considered at a regular meeting of the Planning Board within (30) thirty days of the application.

- 3) The Planning Board shall after such consideration and within (30) thirty days of receipt of an application and preliminary plan, issue a written statement informing the subdivider of approval, disapproval, or conditional approval of any changes required prior to the submission of the final plan.
- 4) The written statement shall be accompanied by one (1) copy of each revised drawing or data sheet with the Planning Board approval or conditions, if any, endorsed on each.
- 5) The failure of the Board to issue a written notice of its decision, directed to the applicant within thirty (30) days after a proposed subdivision has been submitted constitutes its disapproval.
- 6) An appeal may be taken from the decision of the Planning Board to the Appeals Board.
- 7) Within not more than twelve (12) months after issuance of preliminary approval, the subdivider shall submit a final plan or the preliminary plan shall be considered void.
- 8) The Planning Board may before final approval or disapproval of a final plan hold a public hearing on such plan.
- 9) The Planning Board shall consider a final plan at a regular meeting within (30) thirty days of submission of such plan.
- 10) The approval of a final plan by the Planning Board shall be attested on the tracing cloth or Mylar and (3) three copies by signature of a legal majority of the member of the Planning Board.

## **Part IV – Preliminary Plan**

### **Subpart A.**

#### **Description of Subdivision**

- 1) Name of subdivision, owner and deed reference to land engineer or surveyor.
- 2) Geographic scale, date, north point.
- 3) Boundaries or tract.
- 4) Ownership.
- 5) Name, location and width of all streets.

- 6) Type, location, profile and cross-section of all existing surface drainage.
- 7) Location of all existing utilities.
- 8) Location of all existing sanitary sewers showing size, profile and cross section or description, plan, location or other means of sewerage disposal with evidence of successful soil tests for each individual lot.
- 9) Topography at 5 foot contours and location of man-made or natural features influencing the layout of the subdivision. Minimum scale 50 feet to one (1) inch.
- 10) A location map showing relationship of the proposed subdivision to adjacent properties at no smaller than 500/ft inch scale.

## **Subpart B**

### **Preliminary Plan: Effect of Subdivision**

- 1) What will the burden on the Town be to provide municipal or governmental services. This should include, but not be limited to a discussion of:
 

a) Public Works	e) Recreation
b) Schools (busing)	f) Other
c) Fire	g) Utilities (pole location)
d) Police	h) Postal Service
- 2) What will the effect of the proposed development be on the surrounding area. This shall include, but not be limited to, a discussion of:
  - a) Traffic conditions and safety
  - b) Noise or other nuisance conditions
  - c) Aesthetic conditions

### **Subpart C:**

- 1) **Ability to Carry Out Plan:** The subdivider must have evidence of adequate financial and technical capacity to meet all standard set forth in the preliminary plan.

### **Part V – Final Plan**

- 1) All information required for preliminary plan.
- 2) Existing and final proposed lines of streets, ways, lots, easements for utilities or drainage and public area within the subdivision.

- 3) Sufficient data to determine the exact location, direction and length of every street line easement, lot line and boundary line and to reproduce these lines upon the ground.
- 4) Location of all permanent monuments wherever in the opinion of the Planning Board they are necessary to determine locations on the ground.
- 5) Lot numbers and letters in accordance with the prevailing policy on existing tax maps.
- 6) Designation of location, size, planting and landscaping of such parks, esplanades or other open spaces as may be proposed or prescribed.
- 7) Seal of licensed engineer and certification by a certified land surveyor attesting that the plan is correct (water, sewerage, drainage, must be designate by a licensed engineer).
- 8) Map scale 1 inch to 50 feet. Drawn on linen or Mylar with 3 dark line copier. Plan may be on one or more sheets numbered as an example 1 of 3.2 of 3.3 of 3.
- 9) The final plan shall be accompanied by certification from authorized local public officials or agencies that the design or sewer and drainage facilities, streets, and utilities in the proposed subdivision conform to the requirements of all pertinent, local codes and ordinances.

\*\*\* (Added)

Attest: Linda Akcar

Dated: 6/21/01

Enacted: March 30, 1976

Amended: February 28, 1989

Amended: Chelsea Minimum Lot Size Ordinance. 6/28/94

Amended: Subdivision Ordinance June 21, 2001.