**ARTICLE 9: SUBDIVISION**

**A) Purpose.**

The purposes of this section are:

1) To provide for the expeditious, equitable, and efficient review of proposed subdivisions;

2) To establish standards for the application of the approval criteria of the State Subdivision Law, found in Title 30-A M.R.S.A. §4401 et seq.;

3) To ensure that development in the Town of Bowdoinham meets the goals and conforms to the policies of the adopted Comprehensive Plan;

4) To ensure the comfort, convenience, safety, health, and welfare of the people of the Town of Bowdoinham;

5) To protect the environment and conserve the natural and cultural resources identified in the adopted Comprehensive Plan as important to the community;

6) To ensure that an adequate level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions can support the proposed uses and structures;

7) To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and

8) To promote the development of an economically sound and stable community.

**B) Administrative Procedures**

1) Review & Approval Authority.

The Planning Board is authorized to review and act on all applications for subdivisions. In considering subdivisions under this section, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

2) Classification of Projects.

a) The Town Planner shall classify each proposed project as:

(i) Minor Subdivision. Any subdivision containing four ~~five~~ or fewer lots or dwelling units.

(ii) Major Subdivision. Any subdivision containing five ~~six~~ or more lots or dwelling units.

(i) Subdivision Amendment. An application to revise an existing subdivision.

ARTICLE 2: DEFINITIONS

Subdivision, Major: Any subdivision containing five ~~six~~ or more lots or dwelling units including an amendment to an approved subdivision that will result in the creation of a total of more than five (5) ~~six (6)~~ lots in the entire subdivision.

Subdivision, Minor: Any subdivision containing four ~~five~~ or fewer lots or dwelling units.

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

1. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

b. The division of the tract or parcel is otherwise exempt under this Ordinance.

2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

3. A lot of 40 or more acres shall be counted as a lot, per M.R.S.A. §4401 4C.