

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 ~~six (6)~~ five (5) 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 5-year 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 Title 30-A M.R.S.A. §4401 (4)(C).

4. The following division do not result in lots that must be counted:

g. If a new lot is created to meet open space requirements it does not count toward the number of lots in a subdivision unless the intent of the transferor is to avoid the objectives of this Ordinance.

ARTICLE 4. PERFORMANCE STANDARDS

D) Erosion and Sedimentation Control

Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the current at time of application Maine Erosion and Sediment Control Best Management Practices Manuals. ~~Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 2003.~~

ARTICLE 5: LAND USE DISTRICTS

D) Residential/Agricultural District-

1) Dimensional Requirements:

a) For All Lots Which Do Not Meet Subsection b or c below.

- (i) Minimum Lot Size – 1 acre
- (ii) Maximum Residential Density – 1 Dwelling Unit (DU)/acre¹
- (iii) Minimum Road Frontage² - 150 feet
- (iv) Minimum Setbacks for Buildings³ –
 - (A) Front Yard - 50 feet
 - (B) Side Yard - 10 feet
 - (C) Rear Yard - 10 feet

b) Lots Which Are Within A Minor Subdivision (which is created after June 10, 2009).

- (i) Minimum Lot Size – 1 acre
- (ii) Maximum Net Residential Density – 1 DU/acre¹
- (iii) Minimum Road Frontage to a public road - 150 feet. Minimum Road Frontage internal to the subdivision – 50 feet.
- (iv) Minimum Setbacks for Buildings external to the subdivision follow standard minimum setbacks (Section D.1.a.iv). Minimum Setbacks for Buildings internal to the subdivision –
 - (A) Front Yard – 10 ~~50~~ feet
 - (B) Side Yard - 10 feet
 - (C) Rear Yard - 10 feet
- (v) Open Space Requirement - 25% of Net Residential Area⁴

c) Lots Which Are Within A Major Subdivision (which is created after June 10, 2009).

- (i) Minimum Lot Size – 20,000 sq. ft.
- (ii) Maximum Lot Size – 2 acres
- (iii) Maximum Gross Residential Density – 1DU/ acre¹

(iv) Minimum Road Frontage to a public road - 150 feet. Minimum Road Frontage internal to the subdivision – 50 feet.

(v) Minimum Setbacks for Buildings external to the subdivision follow standard minimum setbacks (Section D.1.a.iv). Minimum Setbacks for Buildings internal to the subdivision –

(A) Front Yard - 10 feet

(B) Side Yard - 10 feet

(C) Rear Yard - 10 feet

(v) Open Space Requirement - 80% of Net Residential Area⁴

d)⇒ Structures shall not cover more than 20% of any lot.⁴⁵

¹ One Accessory Dwelling Unit that meets the standards of Article 4, Section B shall be exempt from any density requirements or lot area requirements. (Note: written in reference to DECD proposed rule 19-100; Chapter 5; Section 4.B.3.a)

² The Minimum Road Frontage requirement may be waived by the Code Enforcement Officer if the property meets the Back Lot Performance Standard in Article 4, Section B.

³ The setback shall be the minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and decks. Except that, ramps needed for disability access into a principle dwelling shall be exempt from the minimum setbacks.

⁴ If a new lot is created to meet open space requirements it does not count toward the number of lots in a subdivision unless the intent of the transferor is to avoid the objectives of this Ordinance. A new lot created to meet open space requirements is not subject to the maximum lot size requirement.

E) Village I District-

1) Dimensional Requirements:

a) For All Lots Which Do Not Meet Subsection b below.

i a) Minimum Lot Size – 20,000 sq. ft.

ii b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft.⁶⁵

iii c) Maximum Residential Density – 4 DU/acre ~~20,000 sq. ft.~~¹

iv d) Minimum Road Frontage - 75 feet

v e) Minimum Setbacks for Buildings –

(A i) Front Yard - 20 feet

(B ii) Side Yard - 10 feet

(C iii) Rear Yard - 10 feet

vi f) Maximum Building Height – 35 feet

vii g) Structures shall not cover more than 50~~30~~% of any lot. ~~Lots legally non-conforming due to lot size may have up to 50% structure coverage.~~

b) Lots Which Are Within A Subdivision (which is created after June 10, 2009).

i) Minimum Lot Size – 20,000 sq. ft.

ii) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft.⁶⁵

iii) Maximum Residential Density – 4 DU/acre¹

iv) Minimum Road Frontage to a public road - 75 feet. Minimum Road Frontage internal to the subdivision – 50 feet.

v) Minimum Setbacks for Buildings external to the subdivision follow standard minimum setbacks (Section E.1.a.v). Minimum Setbacks for Buildings internal to the subdivision –

(A) Front Yard - 0 feet if front lot line does not directly abut a road (i.e. abuts sidewalk, path, grass, etc.). 10 feet if front lot line abuts a road.

(B) Side Yard - 10 feet

(C) Rear Yard - 10 feet

- vi) Maximum Building Height – 35 feet
- vii) Structures shall not cover more than 50% of any lot.
- viii) Open Space Requirement - 10% of Net Residential Area⁴

F) Village II District-

1) Dimensional Requirements:

a) For All Lots Which Do Not Meet Subsection b below.

- i a) Minimum Lot Size – 30,000 sq. ft.
- ii b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft.⁶⁵
- iii c) Maximum Residential Density – 10 DU/acre ~~20,000 sq. ft.¹~~
- iv d) Minimum Road Frontage - 100 feet
- v e) Minimum Setbacks for Buildings –
 - (A i) Front Yard - 30 feet
 - (B ii) Side Yard - 10 feet
 - (C iii) Rear Yard - 10 feet
- vi f) Maximum Building Height – 35 feet
- vii g) Structures shall not cover more than 50~~30~~% of any lot. ~~Lots legally non-conforming due to lot size may have up to 50% structure coverage.~~

b) Lots Which Are Within A Subdivision (which is created after June 10, 2009).

- i) Minimum Lot Size – 30,000 sq. ft.
- ii) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft.⁵
- iii) Maximum Residential Density – 10 DU/acre¹
- iv) Minimum Road Frontage to a public road - 100 feet. Minimum Road Frontage internal to the subdivision – 50 feet.
- v) Minimum Setbacks for Buildings external to the subdivision follow standard minimum setbacks (Section F.1.a.v). Minimum Setbacks for Buildings internal to the subdivision –

(A) Front Yard - 0 feet if front lot line does not directly abut a road (i.e. abuts sidewalk, path, grass, etc.). 10 feet if front lot line abuts a road.

(B) Side Yard - 10 feet

(C) Rear Yard - 10 feet

vi) Maximum Building Height – 35 feet

vii) Structures shall not cover more than 50% of any lot.

viii) Open Space Requirement - 20% of Net Residential Area⁴

⁴Structures may cover up to 30% of lots that are legally non-conforming due to lot size.

⁵A subdivision shall not exceed the maximum residential density for the district.

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.

3) Subdivision Amendment.

a) If the revision involves the creation of additional lots or dwelling units; and the applicants the developer or the subdivision is less than five years old:

(i) the procedures for preliminary plan approval shall be followed

(ii) the scope of review shall be the entire subdivision.

b) If the revision involves the creation of additional lots or dwelling units and the applicants the purchaser of one of the lots within the subdivision:

(i) then the procedures for preliminary plan approval shall be followed and

(ii) the scope of review shall be the lots or dwelling units that the application is for and subdivision's infrastructure (i.e. road, utilities, fire protection).

(iii) the lot sizes, density, open space, and any restrictions included the original subdivision still apply.

c) If the revision involves a modification of the approved plan (such as relocation of rights of-way, changes of grade by more than 1%, etc.), without the creation of additional lots or dwelling units: