

An Ordinance of the Town of Machias as adopted by the Machias Planning Board on January 25, 1973; Adopted at Public Hearing April 23, 1973 and a Public Hearing held December 28, 1973.

PLANNING BOARD SUBDIVISION STANDARDS  
TOWN OF MACHIAS, MAINE

ARTICLE I - PURPOSE

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Machias, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

(A) Will not result in undue water or air pollution. In making this determination it shall at least consider: the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;

(B) Has sufficient water available for the reasonably foreseeable needs of the subdivision;

(C) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

(D) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

(E) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

(F) Will provide for adequate solid and sewage waste disposal;

(G) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

(H) Will not place an unreasonable burden on the ability of the local government to provide municipal or governmental services;

(I) Will not have an undue adverse effect on the scenic or natural beauty of the area aesthetics, historic sites or rare and irreplaceable natural areas;

(J) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and

(K) The subdivider has adequate financial and technical capacity to meet the above stated standards;

(L) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

## ARTICLE II - AUTHORITY

These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., Chapter 454, Section 4956.

These standards shall be known and may be cited as "Planning Board Subdivision Standards for the Town of Machias, Maine."

## ARTICLE III - ADMINISTRATION

The Planning Board of the Town of Machias, hereinafter called the Board, shall administer these standards.

The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Machias.

## ARTICLE IV - DEFINITIONS

A subdivision shall be the division of a tract or parcel of land into 3 or more lots for the purpose, immediate or future, of lease, sale, development or building, whether this division is accomplished by immediate platting of the land or by sale of the land by metes and bounds. The term subdivision shall include the subdivision of land for non-residential purposes, mobile home parks and the re-subdivision of land.

## ARTICLE V - PROCEDURE

In order that the Planning Board may be fully informed about the site, the subdivider shall arrange for a joint inspection of the site with the Planning Board or a committee member, or individual appointed by the Chairman to act as the Board's representative for such inspection.

At the time of preapplication inspection, the subdivider shall submit a Preliminary Plan and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its determinations.

Preliminary and Final Plan Required. As to any intended division of land, there shall be prepared and submitted by the subdivider to the Planning Board both a Preliminary Plan for study and, if necessary, modification, and a Final Plan. The Final Plan shall not be prepared until the subdivider has received from the Planning Board written notice of a vote of a majority of the Board approving a Preliminary Plan of such subdivision.

Preliminary Plan. The preliminary plan submitted by the subdivider shall contain three prints with scales of not less than 100 feet to the inch. The size shall be 24" x 30" maximum and shall contain the following information:

- (1) Name or title of subdivision;
- (2) Scale, date, north point;
- (3) Boundaries of tract;
- (4) Existing zoning;
- (5) Name of owner(s) and engineer(s) or surveyor(s);
- (6) Name of abutting owners;
- (7) Name, location, width, profile, cross-section, radius of curves of all existing and proposed streets;
- (8) Kind, location, profile and cross-section of all existing and proposed drainage;
- (9) Location of features, natural and man-made, affecting the subdivision, such as water bodies, streams, swamps, wooded areas, railroads, ditches, buildings, etc.;
- (10) Location of utilities--water, electrical lines, etc.;
- (11) Sanitation existing and proposed location, size, profile and cross-section of sanitary sewers; or description, plan, location or other means of sewage disposal with evidence of soil suitability (seepage tests);
- (12) Lines and dimensions of lots;
- (13) Topographic map if ground slope is more than 5% or less than 1%.

In addition to the Preliminary Plan the Planning Board may cause to be undertaken by the subdivider any studies it deems necessary or desirable to protect and assure the health, safety and welfare of the citizens of the town of Machias including the future occupants of such subdivision, whether residential, commercial or industrial.

Subdivider to be Notified. The Planning Board shall notify the subdivider in writing of the vote of the Board on each preliminary map, and of any conditions voted, and shall transmit to the subdivider with the aforesaid notice, one copy of each drawing or data sheet approved, with the conditions, if any were voted, endorsed on each drawing or data sheet.

Expiration of Preliminary Plan Approval. The preliminary plan approval shall expire after one year unless an extension of time is granted by the Planning Board.

Final Plan. The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board the Final Subdivision Plan for approval. If the Final Plan is not submitted to the Planning Board within six months after the approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan, and require re-submission of the Preliminary Plan. All applications for Final Plan approval for a subdivision shall be accompanied by a fee of \$25.00 plus \$10.00 per acre for each acre or fraction thereof over 2½ acres, payable by check to the Town of Machias.

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The Final Plan submitted by the subdivider shall consist of 5 prints clearly and legibly drawn: 1 print on stable base translucent material suitable for reproduction and 3 dark line copies, which shall contain:

- (1) All the information required for a preliminary plan;
- (2) Existing and final proposed lines of streets, ways, lots, easements and public or common areas within the subdivision;
- (3) Sufficient data to determine the location, direction and length of

every street and way line, lot line and boundary line, and to establish these lines on the ground;

- (4) Profiles of the center lines of proposed streets, on sheets separate from the plan diagram, at a horizontal scale of 1 inch equals 50 feet, and a vertical scale of 1 inch equals 5 feet, with all elevations referred to U.S.G.S. datum;
- (5) Location of all permanent monuments properly identified as to whether existing or proposed;
- (6) Suitable space to record, on the plan, final approval by the Planning Board, with conditions if any, and also the date of such approval as follows:

Approved: Town of Machias Planning Board

\_\_\_\_\_ Chairman

\_\_\_\_\_ Date

Accompanying Data. The Final Plan shall be accompanied by a statement from the Machias Water Company Superintendent of conditions on which the company will supply water, and approving the size and location of mains, valves and hydrants proposed; and a statement from the Fire Chief approving the number, size, and location of hydrants proposed.

If the proposed subdivision:

- a) Occupies a land area in excess of 20 acres, or
- b) Involves a structure or structures, having in excess of 60,000 square feet of ground area coverage, or
- c) Requires a license from the Environmental Improvement Commission under some other regulation such as waste discharge or air quality, or
- d) In any other way falls within the jurisdiction of and is subject to review by the State of Maine Environmental Improvement Commission, then:

The approval of the State of Maine Environmental Improvement Commission shall be secured in writing before official submission of the Final Plan.

Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

- a) The State of Maine, Department of Health and Welfare if a central sewage collection and treatment system is to be utilized, or if individual septic tanks are to be installed by the developer, or
- b) The Maine Environmental Improvement Commission if the municipal system to be utilized is inadequate by State standards and the waste generated is of a "significant" nature, or if the waste is to be discharged, treated or untreated, into any body of water.

Such approval shall be secured before official submission of the Final Plan.

Performance Guaranty. As a condition precedent to Final approval of any subdivision, a performance guaranty to defray expenses involved shall be submitted with the Final Plan.

Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Municipal Treasurer a certified check to cover the full cost of required improvements, or the subdivider shall file with the Municipal Treasurer a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Municipal Officers as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond time within which required improvements must be completed. The certified check or bond shall include an amount required for recreation land or improvements as specified.

Conditional Agreement. The Subdivider may substitute for the performance check or bond a properly executed conditional agreement with the Town of Machias; such agreement shall be endorsed in writing on the Final Plan.

ARTICLE VI - STREET DESIGN AND CONSTRUCTION. Minimum Standards for Street Design and Construction.

The design of streets shall provide for proper continuation of streets from adjacent subdivisions and built-up areas, and proper projection of streets into adjacent unsubdivided and open land.

- A. Minor streets shall be designed to discourage through traffic.
- B. Width of right-of-way.
  - (1) Major Arterial. 80' Desirable; 60' Minimum.
  - (2) Collector Streets -- 66' Desirable; 60' Minimum.
  - (3) Local Residential Streets -- 60' Desirable; 50' Minimum.
- C. Width of pavements.
  - (1) Major arterial -- Two 14-foot traffic lanes and two parking lanes or paved shoulders of 8 feet.
  - (2) Collector Streets -- Two 12-foot traffic lanes, and two 8-foot parking lanes or paved shoulders.
  - (3) Local Streets -- Two 9-foot traffic lanes and two 7-foot parking lanes or paved shoulders.
- D. The radius of center line curve shall be 100 feet minimum.
- E. Angle of street at intersection shall be not less than 60 degrees.
- F. Street grades shall be minimum of 0.5 per cent and maximum on (1) major arterial -- 7%; (2) collector street -- 10%; (3) local street -- 14%. At intersections, a maximum grade of 3% within 50 feet.
- G. Cul-de-sac and dead-end streets shall be maximum length of 800 feet with a minimum property line radius of 100 feet and a minimum turning radius of 35 feet at the closed end. Use of a T-shaped turn-around will be permitted as an alternate. In the latter case, the turn-around

should be at least 24 feet wide, 40 feet long and shall be located between 50 and 100 feet from the end of the street. (All dimensions cited for the T-shaped turn-around are for the travelled way.)

- H. There shall be a maximum centerline length of 1500 feet between street intersections.
- I. Property lines at intersections shall be rounded with a minimum radius of 20 feet.
- J. All streets shall be crowned in accordance with good engineering practice, and be provided with adequate drainage.
- K. Sidewalks shall be required at the discretion of the Board, and shall be at least 4 feet minimum width.

Easements. The Board may require easements for sewage, drainage, and other utilities.

Public Open Space. The Board may require the reservation of open space for recreation, school sites, and drainage. The Board may require the subdivider to landscape such open space--shade trees and ground cover.

Water System. Town water mains with hydrants shall be provided. A minimum of 6" water main is required for all streets and shall be installed by the Machias Water Company with the initial expense to be borne by the subdivider.

Sewer System. A properly designed on-site sewer system shall be developed with all sewers to be not less than 8 inches in diameter. If town sewers are not available, and individual septic tanks are to be used, in no instance shall a septic disposal system be allowed in soils rated poor or very poor for such purpose by the Soils Suitability Guide for Land Use Planning in Maine, and they shall be in full compliance with the requirements of the State of Maine Plumbing Code.

Set-Back of Houses. No buildings or part thereof shall be closer than 35 feet from edge of right of way of street.

Lot Size. The lot size shall be at least 15,000 square feet minimum, with minimum frontage on any street of 100 feet.

A lot of land which is not served by public or private community sewer whether created by plat, laid out in metes and bounds or otherwise described, shall not be used for single family residential purposes unless such lot of land contains at least 20,000 square feet; and if the lot abuts on a public road, lake, pond, river, stream or seashore, it shall further have a minimum frontage of 100 feet. (M.R.S.A. Title 12, Chapter 423, Sec. 4801). A lot containing less than 20,000 square feet may be used for single family residential purposes if approved by the Department of Health and Welfare.

Definitions. Single family residential purposes means a house, house trailer or mobile home designed to house a single family, and shall include those dwellings which are used seasonally as well as those used permanently.

Multiple unit housing shall mean a building which is designed to house 2 or more families.

Clustered unit housing shall mean 2 or more buildings, on lots contiguous to each other, each building being designed for use by one or more families and shall include trailer or mobile home parks.

Multiple and Clustered Unit Housing: Lot Size.

A lot or lots of land which are used for multiple or clustered unit housing or any other land use activity, which housing or activity must dispose of wastes in excess of the waste disposal requirements of normal single family residential use, must have a minimum lot size which is greater than the requirements stated in Paragraph 2, Lot Size., in the same proportion as the actual waste disposal requirements of these multiple or clustered units of housing or other land use activities is greater than that of single family residential use.

ARTICLE VII - ENFORCEMENT

No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds. No subdivision plat or plan shall be recorded by any Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in writing on the plat or plan. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1,000 for each such conveyance, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

ARTICLE VIII - VARIANCES AND WAIVERS

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of these Subdivision Standards.

ARTICLE IX - APPEALS

An appeal from a decision of the Planning Board may be taken to a General Board of Appeals if one has been established by the municipality in accordance with Title 30, M.R.S.A. Chapter 213, Subchapter V, Section S2411.

ARTICLE X - SEPARABILITY AND EFFECTIVE DATE

The invalidity of any provision of these standards shall not invalidate any other part.

These standards shall take effect immediately on adoption of the same by the Planning Board.

Adopted by the MACHIAS PLANNING BOARD on January 25th 1973.

Louise A. Rice  
Robert C. [unclear]  
Fredrick Reynolds  
Robert H. [unclear]  
Donald F. Chandler

*Notice Posted April 10, 1973  
Public Hearing April 23, 1973  
adopted April 23, 1973*

\* ADDENDUM

If in the opinion of the Planning Board, the subdivision under consideration is one which will appear to entail little or no future expense to the Town in the way of publicly funded or supported improvements, installations, facilities or services; the Planning Board may in its discretion abate part or all of the acreage fee as provided above.

Adopted by Public Hearing held December 28, 1973.

Louise A. Rice Chairman

Copied from Town Records  
October, 1981

Martina A. Bagley  
Town Clerk