

Department of Agriculture, Conservation, and Forestry

**Maine Land Use Planning Commission**

22 State House Station, Augusta, ME 04333

Subdivision Rule Review

Meeting Three

**Technical Issues Background Information and Worksheets**

February 25, 2015

Land Use Planning Subdivision Rule Review

Meeting Three

Technical Issues Background Information and Worksheets

SOIL SURVEYS AND TEST PITS

## LUPC SUBDIVISION RULE REVIEW

### **TECHNICAL ISSUES: SOIL INFORMATION REQUIREMENTS FOR LUPC PERMITTED SUBDIVISIONS**

#### SOIL INVESTIGATION AND MAPPING

A comparison between current LUPC, the State Model Subdivision Regulation for Maine Planning Boards, and DEP requirements for soil investigation and mapping:

##### LUPC

**SOIL SUITABILITY AND MAPPING.** Submit a completed on-site soil survey (including a soil map, soil narrative report and a soil profile log description), conducted by a Maine licensed soil scientist according to the “Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping” (Maine Association of Professional Soil Scientists, 2004). Use a Class A high intensity soil survey to identify soils within all subdivision lot building envelopes, driveway locations and other disturbed areas on your project site. Disturbed areas include areas that are stripped, graded, grubbed or otherwise result in soil exposure at any time during the site preparation for, or construction of, a project. Use a Class B soil survey to identify soils elsewhere within the project area.

Note: In certain cases (for example, if you qualify for Level 2 subdivision review), the LUPC may reduce the soil survey class requirements, or waive certain provisions of a Class A or B high intensity soil survey (for instance, the contour mapping requirement).

##### MODEL SUBDIVISION REGULATION

6.2 D. Required Submissions for which a Waiver May be Granted. The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12, Waivers...1. A high-intensity soil survey by a registered soil scientist.

Note: A high intensity soil survey may not be necessary in addition to a wetlands delineation, if the application is at a very low density and lots will be large enough to find house sites on suitable soils.

##### DEP SITE LOCATION APPLICATION (for larger subdivisions requiring DEP review)

Section 11. Soils, B. Soil survey intensity level by development type.

(1) Class A (High Intensity) Soil Survey...Residential and commercial subdivisions where any lot is less than 2 acres and on-site subsurface wastewater disposal is proposed. A waiver from this mapping requirement to allow a Class C or D survey may be granted, at the Department's

discretion, for the undeveloped portion of any individual lot greater than 5 acres and for the undeveloped areas of clustered subdivisions.

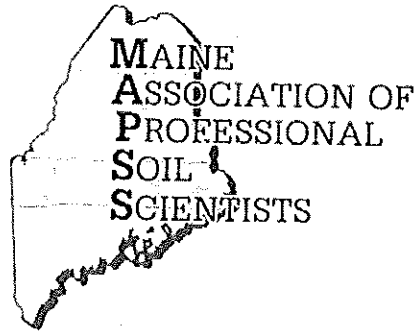
(2) Class B (High Intensity) Soil Survey... Residential and commercial subdivisions where any lot is less than 2 acres {off-site wastewater treatment system}. A waiver from this mapping requirement to allow a Class C or D survey may be granted, at the Department's discretion, for the undeveloped portion of any individual lot greater than 5 acres and for the undeveloped areas of clustered subdivisions.

(3) Class C (Medium High-Intensity) Soil Survey... Residential and commercial subdivisions where all lots are greater than 2 acres and on-site subsurface wastewater disposal is proposed.

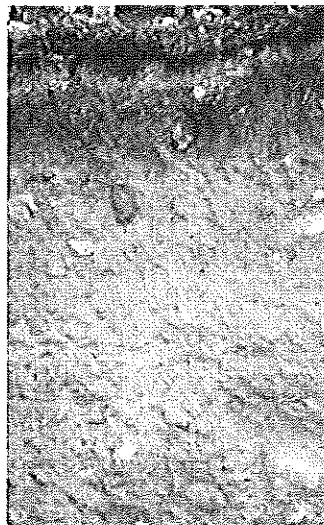
(5) Class D (Medium Intensity) Soil Survey. All other developments.

Options for consideration.

1. Class A soil survey within proposed developed areas, Class B elsewhere
2. Class A unless a waiver is issued by the Commission
3. Class A for lots < 2 acres, Class C for lots > 2 acres with waiver to Class C or D allowed for undeveloped areas and open spaces
4. Other combination?



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**GUIDELINES FOR  
MAINE CERTIFIED SOIL SCIENTISTS  
FOR SOIL IDENTIFICATION AND MAPPING**

**FEBRUARY 2004**

Revised March 2009

*These standards were adopted by the Maine Association of Professional Soil Scientists April 4, 1989, and revised March 1992, March 1993, February 1995, September 2000, February*

## **STANDARDS FOR SOIL SURVEY**

### **Classes of Soil Surveys**

There are five classes of soil survey defined in these guidelines. They differ in the degree of detail and supporting information required. Minimum standards are listed for each soil survey class with Class A being the most detailed and Class D being the least detailed. Class L is a completely separate class of soil survey from Class A through Class D. It does not continue the progressive decrease in level of detail from Class A through Class D but was created to address the unique needs for long, linear projects such as wind farm access roads which may be many miles long but which do not have any proposed adjacent development. Stating that a soil survey was conducted in accordance with a particular class of these guidelines means that it meets all four of the listed requirements for that class. In some situations it may be appropriate to conduct a soil survey using two or more classes, provided it is clearly stated as such and where the classes were conducted. This might be done for a large property where only a portion is to be developed and the remainder is to be open space. An example would be a subdivision of shorefront lots with the back of the property remaining an undeveloped common area. The developed area may need a class A soil survey while the back part may only need a class C or D survey.

#### ***Class A (High Intensity)***

1. Map units will not contain dissimilar limiting individual inclusions larger than one-eighth acre. Dissimilar limiting inclusions may total more than one-eighth acre per map unit delineation, in the aggregate, if not contiguous.
2. Scale is 1 inch equals 100 feet or larger (e.g. 1" = 50').
3. Ground control—base line and test pits for which detailed data is recorded are accurately located under the direction of a registered land surveyor or qualified professional engineer.

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STANDARDS FOR SOIL SURVEY

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4. Base map with 2-foot contour lines with ground survey, or aerial survey with ground control.

***Class B (High Intensity)***

1. Map units will not contain dissimilar limiting individual inclusions larger than one acre. Dissimilar limiting inclusions may total more than one acre per map unit delineation, in the aggregate, if not continuous.
2. Scale of 1 inch equals 200 feet or larger (e.g. 1" = 100').
3. Ground control—test pits for which detailed data is recorded are located by means of compass by chaining, pacing, or taping from known survey points; or other methods of equal or greater accuracy.
4. Base map with 5-foot contour lines.

***Class C (Medium High Intensity)***

1. Map units will not contain dissimilar limiting individual inclusions larger than 5 acres. Dissimilar limiting inclusions may total more than 5 acres per map unit delineation, in the aggregate, if not contiguous.
2. Scale of 1 inch equals 500 feet or larger (e.g. 1" = 400').
3. Ground control—as determined by the mapper.
4. Base map—as determined by the mapper.

***Class D (Medium Intensity)***

1. Map units may contain dissimilar limiting individual inclusions larger than 5 acres provided that each dissimilar limiting inclusion is smaller than the

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minimum map unit size utilized. Dissimilar inclusions within a map unit may total more than the minimum map unit size, in the aggregate, if not contiguous.

2. Scale of 1 inch equals 2,000 feet or larger (e.g. 1" = 1320').
3. Ground control—as determined by the mapper.
4. Base map—as determined by the mapper.

Class L (For Linear Projects)

Purpose – This soil survey standard is designed to provide the minimum soil information necessary to allow for the design and construction of long but narrow projects such as access roads, utility lines or trails with little or no adjacent development. In remote, difficult to access sites such as mountains or roadless areas, soil observations may be made entirely by use of a hand shovel, screw or Dutch auger. For areas which are more accessible, deeper soil observations should be made in order to properly classify the soils.

1. Class L soil survey map units shall be made on the basis of parent material, slope, soil texture, soil depth to dense till or bedrock (which ever is shallowest) and soil wetness (drainage class and/or oxyaquic conditions) at the Class A High Intensity Map Unit size. The preferred method of naming the soil map units is by assigning a soil series name or names for complexes. If soils are classified to the series level in remote areas not readily accessible to equipment and/or without road cuts, it shall be noted in the narrative that soils were classified by shallow observations only.
2. Scale is 1 inch equals 100 feet or larger (e.g. 1" = 50').
3. Ground Control – base line and test pits for which detailed data are recorded are located to sub-meter accuracy under the direction of a qualified professional.
4. Base map with two foot contour lines.

**Completed Soil Survey**



## LUPC SUBDIVISION RULE REVIEW

### **TECHNICAL ISSUES: SOIL INFORMATION REQUIREMENTS FOR LUPC PERMITTED SUBDIVISIONS**

#### SOIL INVESTIGATION AND MAPPING

##### Worksheet

1. Should the intensity of the soil survey for a subdivision be determined on the basis of:
  - a. Proposed developed area (building windows and disturbed area) vs. undeveloped area in the subdivision (i.e. Class A for developed area and a less intense class for undeveloped area),
  - b. The overall density of the development (i.e. lot size), or
  - c. A combination of both where the developed area requires a high intensity survey, but the intensity of the undeveloped area is based on lot size.
  
2. The LUPC currently requires a Class B soil survey outside of the proposed development area. In what type of project or area within a project should Class C or D soil surveys be allowed?

## LUPC SUBDIVISION RULE REVIEW

### **TECHNICAL ISSUES: SOIL INFORMATION REQUIREMENTS FOR LUPC PERMITTED SUBDIVISIONS**

#### SOIL TEST PIT REQUIREMENTS

A Comparison Between: Current LUPC, Model Subdivision Ordinance, and DEP Requirements for Soil Test Pits.

#### LUPC

EXHIBIT L: WASTEWATER DISPOSAL, 1) Individual systems. If you are proposing individual wells and subsurface sewage disposal systems, you must demonstrate that each subdivision lot has sufficient area of soils suitable for the installation of a sewage disposal system in full compliance with the requirements of the Maine State Plumbing Code.

NOTE: This has been interpreted to mean at least 2 test pits/ lot.

#### MODEL SUBDIVISION REGULATIONS

10.4 Sewage Disposal, B. Private Systems ... The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to a disposal area on soils which meet the Disposal Rules.

b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted in the deed so as not to be built upon.

c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

#### DEP SITE LOCATION APPLICATION (for larger subdivisions requiring DEP review)

Section 17. Wastewater disposal, (4) Additional subsurface explorations. A sufficient number of test pits must be provided within the footprints of all proposed wastewater disposal fields to adequately document that disposal fields can be installed entirely on soils and slopes in

compliance with the Subsurface Wastewater Disposal Rules (10-144A CMR 241). Provide additional subsurface exploration data for certain soil conditions or disposal field designs, as outlined by the following:

(a). Soil condition AIII (bedrock depth less than 24"). A minimum of 5 subsurface explorations: one test pit is to be centrally-located within disposal field footprints, plus a subsurface exploration at each disposal field corner which may consist of either a test pit, boring, or probe.

(b). Soil with profile 8 or 9-parent material (lacustrine/marine deposits). A minimum of 2 test pits: each test pit to be located near each end of disposal field footprints.

(c) Soil condition D (limiting factor depth less than 15"). A minimum of 2 test pits: each test pit to be located near each end of disposal field footprints.

(d) Disposal field length of 60 feet or longer. A minimum of 2 test pits: each test pit to be located near each end of disposal field footprints.

### Options for consideration.

1. Require 2 test pits per lot
2. Require 2 test pits per lot for soils with a limiting factor within 18 inches and 1 test pit per lot with a written Soil Scientist certification (See Model Subdivision Regulations) for all other soils.
3. Require the following:

Soil Limitations	# Test Pits	Other Supporting Information
None	1*	Written Soil Scientist Certification
Soil condition AIII	5* **	NA
Soil profile 8 or 9	2**	NA
Soil condition D	2**	NA

\* The testpit must be centrally located within a proposed disposal field footprint.

\*\* Testpits must be located near each end of a proposed disposal field footprint.

4. Other options?

## LUPC SUBDIVISION RULE REVIEW

### **TECHNICAL ISSUES: SOIL INFORMATION REQUIREMENTS FOR LUPC PERMITTED SUBDIVISIONS**

#### SOIL TEST PIT REQUIREMENTS

##### Worksheet

1. Which of the options for consideration would work best for the UT?
2. If the number of test pits per lot is reduced, in what situations would requiring a written certification by a Certified Soil Scientist provide a reasonable alternative to ensure sufficient soils exist on each lot to accommodate the size of the disposal beds?
3. What soil conditions or subdivision designs would necessitate additional test pits to ensure there are adequate soils to accommodate the size of proposed subsurface wastewater disposal beds?

Land Use Planning Subdivision Rule Review

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Technical Issues Background Information and Worksheets

ACCESS ROAD DESIGN, MAXIMUM ROAD GRADE

# LUPC SUBDIVISION RULE REVIEW

## TECHNICAL ISSUES: MAXIMUM ROAD GRADE

### BACKGROUND INFORMATION

A comparison between the current LUPC, State Model Subdivision Regulations, and DEP requirements for maximum road grade:

#### LUPC

10.25,D,4,e.- Roadways shall adhere to the applicable standards of Section 10.27,D and Section 10.27,H and the roadway specifications outlined in Table 10.25,D-1, below, unless the applicant utilizes site-specific best management practices and the Commission determines that proposed alternative roadway specifications will meet the needs of the development and will not cause erosion or safety problems.

	<b>Class 1 Roadway</b>	<b>Class 2 Roadway</b>	<b>Class 3 Roadway</b>
Maximum sustained grade	10%	15%	15%

#### MODEL SUBDIVISION REGULATIONS

“The maximum permissible grade is often a trade-off between minimizing construction costs and maximizing safety. ITE’s Recommended Guidelines vary the maximum permissible grade depending on the general terrain of the area. ITE suggests a 4% maximum grade in generally level (grade range of less than 8%) areas, an 8% maximum grade in rolling (grade range of 8% - 15%) areas and a 15% maximum grade in hilly (grade range of over 15%) areas. However, ITE also suggests that areas with winter icing conditions “may prefer” a maximum grade of 8%. The *Model* therefore suggests maximum grades of 8% or less. The footnote to the table does permit the maximum grade to be exceeded for short lengths.”

#### DEP SITE LOCATION RULES (for larger subdivisions requiring DEP review)

Chapter 377 Sec. 4.D. Road grades will be kept below ten percent except for short distances where the grade may exceed ten percent. Where a road grade exceeds ten percent, culverts, water bars, turnouts, and/or ditching will be installed to properly manage water runoff.

A comparison of fire code requirements in the United States based on an internet review:

## FIRE CODE TABLE

Location	Maximum Road Grade	Allowed Waivers
International Fire Code	10%	As approved by Fire Chief
Maine (NFPA Code)	Based on limited research standard appears to be “as approved”	NA
Exeter Twp., PA (and several other U.S. counties & Ontario)	10%	NA
California 2001 Fire Code	12%	NA
Santa Clara County, CA	15%	20% if <300 ft. in length
Bexar County, TX	10%	12% if <300 ft. in length And >150 feet from an intersection, et. al.
City of Mercer Island, WA	10%	Up to 20% with approval of Fire Chief

### Options for consideration.

1. No change to the maximum grade standard
2. Increase the maximum grade standard for Class 1 Roadways
3. Allow a grade increase for Class 1 Roadways if certain criteria are met
  - a. With upper limit on allowed grade
  - b. With no upper limit on allowed grade
4. Allow a grade increase for all roadway classes if certain criteria are met
  - a. With upper limit on allowed grade
  - b. With no upper limit on allowed grade

### Possible rule revision for discussion:

10.25,D,4,e.- Roadways shall adhere to the applicable standards of Section 10.27,D and Section 10.27,H and the roadway specifications outlined in Table 10.25,D-1, below, unless the applicant utilizes site-specific best management practices and the Commission determines that proposed alternative roadway specifications will meet the needs of the development and will not cause erosion or safety problems.

Maximum sustained grade for Class 1 roadways may be increased by up to 5% over that specified in Table 10.25,D-1 below, if no other option is practicable, provided that the roadway portion exceeding the maximum sustained grade standard is no longer than 300 feet in length and is greater than 150 feet from the next down-hill intersection, and the Commission determines that the proposed alternative grade will not cause unreasonable drainage, erosion or public safety impacts.

	<b>Class 1 Roadway</b>	<b>Class 2 Roadway</b>	<b>Class 3 Roadway</b>
Minimum roadway surface width	18 ft. or 14 ft. with turnouts every 500 feet, on average.	14 ft. or 8 ft. with turnouts every 500 feet, on average.	8 ft.
Minimum base (coarse gravel)	18 in.	12 in.	As needed.
Minimum wearing surface	3 in. fine gravel or 2.5 in. bituminous concrete.	3 in. fine gravel or 2.5 in. bituminous concrete.	2" fine gravel.
Maximum sustained grade	10%	15%	15%

Table 10.25,D-1. Roadway construction specifications.



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SUBDIVISION LAYOUT AND DESIGN

LUPC SUBDIVISION RULE REVIEW  
**TECHNICAL ISSUES: SUBDIVISION LAYOUT AND DESIGN**  
BACKGROUND INFORMATION

Development on Steep Slopes

LUPC Current Requirements:

*Subdivision Layout and Design*

Section 10.25,Q,3,d,(3) Where practicable, building envelopes shall be arranged so as to avoid the placement of structures and driveways along ridge lines, on agricultural land, wetlands, slopes greater than 15%, or any other important topographic and natural features.

*Cluster Development*

Section 10.25,R,2,a,(1)(b) Unbuildable land which includes, without limitation, land that has a low or very low soil potential rating, in accordance with Section 10.25,G, or contains sensitive areas such as slopes exceeding 15%, water bodies or wetlands.

Section 10.25,R,2,a,(2)(c) {Net developable shoreline} Contains land area at least 40,000 contiguous square feet in size that is not comprised of sensitive areas such as slopes exceeding 15%, water bodies or wetlands.

Maine Plumbing Code Requirements:

CMR 241, Section 4,A,7. Slope: The slope beneath a disposal area must not exceed 20 percent, unless approved by variance by the Department [of Health and Human Services]. The fill extension must reach the existing ground before an existing ground slope of 3:1 (33 percent) or greater, or within 100 feet horizontal distance of the disposal area.

Purpose of Current Standards:

In these contexts, the purposes for the limitations on developing steep slopes include minimizing adverse impacts to water quality from soil erosion and inadequate stormwater management, ensuring long term structural stability, minimizing visual impacts from development on hillsides, and ensuring safe access for emergency vehicles.

Use of Appropriate Building Materials for a Harmonious Fit

LUPC Current Requirements:

*Scenic Character, Natural and Historic Features*

Section 10.25,E,1,a. The design of the proposed development shall take into account the scenic character of the surrounding area. Structures shall be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.

### Align Standards with DEP where Appropriate

The Land Use Planning Commission has consulted with the Maine DEP and confirmed that the DEP does not have specific layout and design standards applicable to residential or commercial subdivisions. More input from interested stakeholders is needed on this issue for the Commission to evaluate potential options to address the concern.

### Calculation of Phosphorous Loading from Road Construction

LUPC Current Requirements:

#### *Control of Phosphorus*

Section 10.25,L, 2. a. Provisions shall be made to limit the export of phosphorus from the site following completion of the development or subdivision so that the project will not exceed the allowable per-acre phosphorus allocation for the water body, determined by the Commission according to “Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development” (Maine Department of Environmental Protection, 2008), and hereafter cited as the Phosphorus Control Guide.

b. The phosphorus impact of a proposed subdivision or development on a water body shall be calculated using the Standard Method for Calculating Phosphorus Export, according to the procedures in the Phosphorus Control Guide.

Background and Purpose:

Maine’s lakes and ponds are valuable resources, and protection of their water quality is very important for many reasons including the state and regional economy. Since total phosphorous is a limiting factor for algal growth, increasing trophic state, and the associated decline in water quality, careful review of phosphorus loading from development in a lake watersheds is an essential consideration. The Maine Department of Environmental Protection developed the Phosphorus Control Guide for reviewing phosphorus loading from development projects.

<http://www.maine.gov/dep/land/stormwater/stormwaterbmps/index.html>

The methodology in the Guide is used to determine the amount of loading each lake can sustain without a change in trophic state, and allocates that loading in the watershed on a per acre basis. The methodology has been somewhat problematic in the LUPC service area, particularly in cases where a single entity owns a significant amount of the watershed and proposes both a development project and future timber harvesting. In these cases, if the development project is

designed to discharge the total per acre allocation of phosphorus to the lake for the parcel, and then, additional road construction is completed for a timber harvest on the parcel, the total phosphorus loading may exceed the allocation potentially resulting in a decline in lake water quality.

The Land Use Planning Commission, based on the recommendations of the Maine Department of Environmental Protection, has asked large landowners to account for potential future road construction for timber harvesting, in its review of phosphorus control for proposed development on large parcels in lake watersheds. Options for addressing phosphorus control in these situations have included:

1. Increased use of best management practices for the development project to reduce the discharge of phosphorus.
2. Construction of best management practices on existing land management roads to reduce the discharge of phosphorus elsewhere in the watershed.
3. Removing existing land management roads in the watershed that are no longer needed.

# LUPC SUBDIVISION RULE REVIEW

## TECHNICAL ISSUES: SUBDIVISION LAYOUT AND DESIGN

### Worksheet

#### Development on Steep Slopes

1. The subdivision Layout and Design standard for slope involves a practicable test not a prohibition on development. What changes should be made to the Commission's rules to ensure appropriate review and development of subdivisions on steeper slopes?
2. Is the concern about development on steeper slopes related mostly to cluster developments where steep slopes are included as unbuildable land?
3. Should the standard for cluster development be changed so that land is considered buildable until it exceeds a slope of 20%?

#### Use of Building Materials

4. Should the LUPC Scenic Character standard be clarified to specifically require the use of appropriate building materials?
5. Alternatively, is a standard for use of appropriate building materials that specifically applies to lot development in subdivisions needed?

### Consistency with DEP

6. In what way(s) should the LUPC standards for subdivision be more consistent with the DEP?

### Phosphorus Loading Allocation

7. How can the LUPC make sure that phosphorus exports from development and timber harvesting operations occurring on the same parcel do not exceed the phosphorus allocation for the lake and potentially cause a decline in lake water quality?

Land Use Planning Subdivision Rule Review

Meeting Three

Technical Issues Background Information and Worksheets

APPLICATION PROCESS

LUPC SUBDIVISION RULE REVIEW  
**TECHNICAL ISSUES: APPLICATION PROCESS**  
BACKGROUND INFORMATION

Pre-application Meetings

Current LUPC Guidance:

In the LUPC Application for a Subdivision Permit, the instructions state that “pre-application meetings are recommended and typically involve you, your project manager or consultant(s), and members of the LUPC permitting and/or planning staff. Pre-application meeting(s) are critical because they:

- Encourage information exchange about the proposed project early in the planning stages;
- Help the applicant understand the application process and responsibilities in that process;
- Help to identify any environmental or other issues that may need to be addressed as part of the permit process; and
- Provide an opportunity to identify aspects of the proposal that may make the application unique or difficult to approve.

**Please note: Pre-application meetings are HIGHLY RECOMMENDED prior to submission of a subdivision permit application.”**

The instructions request the following information be provided for the pre-application meeting:

- “• This application form (note while the application form does not need to be completed prior to the pre-application meeting, please review the application in order to identify any questions you may have);
- Topographic map showing the location of the proposed site and parcel;
- Brief project description, including the applicant’s general goals regarding number and size of lots, etc.; and
- A copy of the LUPC Land Use Guidance Map for the project site.”

Current Practice:

According to the LUPC Permitting and Compliance staff, a large majority of subdivision applicants do request a pre-application meeting, and may request multiple meetings in advance of filing an application with the Commission. If a pre-application meeting is not held, it is likely the project involves a very small number of lots.

Submission Requirements for Small Subdivisions

LUPC staff have reviewed current requirements in the LUPC Application for Subdivision Permit, and



compared those requirements with the submission requirements for subdivisions in several organized communities that have established minor subdivision review procedures, as well as other smaller rural towns to see what differences exist. See the attached spreadsheet and copy of the current LUPC application form. Based on the Commission's review, it does not appear that municipalities which have separate minor/major subdivision review procedures have established significantly different submission requirements for the two types of subdivisions. Distinctions between minor and major subdivision review procedures appear to focus on reduced processing steps, i.e. one public hearing versus two, for minor subdivisions.

LUPC Subdivision Rule Review  
 Application Requirements:  
 A Comparative Chart

LUPC Application Requirements	Cape Elizabeth Minor Subdivision	Harpswell Minor Subdivision	Levant Minor Subdivision	Caribou, All Subdivisions	Model Ordinance, All Subdivisions
Application fee	X	X	X	X	X
Notice of filing			X		
Contact information- applicant, landowner, and agent	Owner/ applicant	X	X	X	X
Property location- town, county, map/lot number, book/ page number		Map/ lot number	X	X	Town, map/lot number
Lot size		X	X	X	X
Applicable zoning	X	X	X	X	X
Project description- name, number of lots, proposed structures, signs, lighting, alterations	Subdivision name	Subdivision name	Number of lots	Subdivision name	Subdivision name, structures
Acreage- parcel, subdivision, retained land, conserved land				X	Parcel, open space
Description of site- road and water frontages, slope, vegetation, and hydrologic, natural and cultural features					Vegetation, natural features
Existing uses				X	
Existing structures and features					X
Location map	X	X	X	X	X
Site photographs					
Existing site plan- property lines, frontages, natural features, sold lots, existing development	Plans, property lines, drainage	X	X	X	X
Proposed site plan- proposed lot lines, common areas, building envelope, test pit locations, proposed structures, other proposed activity	Name, contacts, abutters, lot lines, building envelope, building lines, drainage patterns	common areas	X	Plans, not building envelope	Plans, not building envelope
Land division history				Previous subdivision approval	
Evidence of TRI	X	X	X	X	X
Corporate good standing			X	X	
Liquidation harvest certificate	X				
Technical capacity	X			X	
Financial capacity	X	If infrastructure proposed	Only require performance guarantee	X	
Subdivision layout and design- harmonious fit, applicable space and setback provisions.	X	Statement on harmonious fit		X	
Table of lot specifications					
Public and community services- fire protection, telephone and electric service	Electrical, telephone	Utilities	X	X	Review by fire chief required
Vehicular circulation, access and parking- road and parking design details	X	X	X	X	X
Roadway access- easements and entrance permits	X	X			X
Noise and lighting					
Scenic character, natural and historic features	X	X		X	X
Flood zoning	X	X		X	X
Wetland alterations	X	X	X	X	X
Shoreland development- provisions for maintaining natural character	X			X	
Water quality- non-point source pollution, groundwater contamination, air emissions	X			X	X
Water supply	X		X	X	X
Soil suitability and mapping (Class A developed areas, Class B elsewhere, contours)	Soil map, topography w/ 2' contours	Class B developed areas, topo w/ 2' contours	Medium intensity, topo w/ 5' contours	High intensity, topo w/ 10' contours	High intensity
Solid waste disposal	X	X		X	X

LUPC Subdivision Rule Review

Application Requirements:

A Comparative Chart

LUPC Application Requirements	Cape Elizabeth Minor Subdivision	Harpswell Minor Subdivision	Levant Minor Subdivision	Caribou, All Subdivisions	Model Ordinance, All Subdivisions
Wastewater disposal	HHE-200/ lot	X	X	X	X
Erosion and sedimentation control plan	X	X		X	X
Roadway and drainage design and maintenance-plans and specifications	X	X	X	X	X
Phosphorus control plan	Stormwater/phosphorus			X	X
Deed or lease covenants				X	X
Lot owner bylaws (if road or homeowner's association proposed)		X			X
Parking lot landscaping plan (parking lot > 1 acre)	Landscape plan required		Landscape plan required		
Archeological survey (if requested)		X, (if requested)		X	X
Traffic impact study (if requested)	X			X	X
Flood boundary delineation/ elevation certificate (if applicable)	X	X			
Notes:	Essentially the same requirements as a major subdivision. Major also requires a community impact analysis.	Open space standards not required for minor	Submission requirements appear to be the same major/ minor. One less step for minor.	Impact fee/ assessment required	Ordinance does not contain provisions for minor subdivisions

# APPLICATION FOR A SUBDIVISION PERMIT

## WHO MAY USE THIS APPLICATION FORM?

A subdivision permit from the Commission is required for any subdivision of land within the Commission's jurisdiction. "Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of land or by leasing. The term "subdivision" also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period [Reference: [12 M.R.S.A. §682, 2-A](#)]. For further details, refer to the Commission's [Land Use Districts and Standards](#) (Chapter 10), particularly the LUPC's definition of a subdivision (Section 10.02) and the criteria related to the types of lots that are included in or exempt from this definition (Section 10.25,Q).

This application form can be used for either a level 1 subdivision (the most common type), and for level 2 subdivisions (as provided by 10.25,Q,2).

## IS THIS THE ONLY APPROVAL I WILL NEED FOR MY PROJECT?

Most subdivisions are only allowed within a development subdistrict. If your project site is not located within a development subdistrict then the land will need to be rezoned (see the Commission's Zoning Petition Application form). If your site is in a zone that allows subdivision, then subdivision permit approval is necessary before you sell any of the new lots.

If your project requires the land to be rezoned, it requires a two-step approval process: Step 1 – rezoning approval; Step 2 – subdivision permit approval. The LUPC staff may recommend whether you should submit the rezoning and site review applications consecutively, in a two-step process, or simultaneously. If the proposed subdivision appears to meet relevant rules and policies and approval seems likely, simultaneous applications may be most expedient. If the staff believes the proposed rezoning's consistency with rules and policies is less clear-cut and approval less certain, it may recommend that you seek rezoning first to minimize your expense prior to a decision. However, you have the right to choose whether a consecutive or simultaneous application process best fits your goals and timeline.

## WHAT GUIDANCE IS AVAILABLE REGARDING THE REQUIREMENTS OF A SUBDIVISION PERMIT APPLICATION?

Our staff can assist you with understanding the applicable requirements of submitting a proposal for the Commission's review and offer opinions about how your project can best fit your site to help ensure your project can be permitted. Pre-application meetings are recommended and typically involve you, your project manager or consultant(s), and members of the LUPC permitting and/or planning staff. Pre-application meeting(s) are critical because they:

- Encourage information exchange about the proposed project early in the planning stages;
- Help the applicant understand the application process and responsibilities in that process;
- Help to identify any environmental or other issues that may need to be addressed as part of the permit process; and
- Provide an opportunity to identify aspects of the proposal that may make the application unique or difficult to approve.

Please note:

**Pre-application meetings are HIGHLY RECOMMENDED prior to submission of subdivision permit application.**

### Suggested materials to bring to the pre-application meeting:

- This application form (*note while the application form does not need to be completed prior to the pre-application meeting, please review the application in order to identify any questions you may have*).
- Topographic map showing the location of the proposed site and parcel;
- Brief project description, including the applicant's general goals regarding number and size of lots, etc.; and
- A copy of the LUPC Land Use Guidance Map for the project site.

### Suggested discussion points during the pre-application meeting:

- Are the intended uses allowed within the proposed subdistrict?;
- Subdivision design standards of 10.25,Q; and
- Any other questions you may have regarding this application form or process.

Note: While the pre-application meeting is extremely valuable for identifying issues or concerns early on, no decisions are made at these meetings and the thoughts expressed are not binding on the Commission or the applicant. The information presented at these meetings is very general, and the review is not substantive.

Call the LUPC office that serves your area to schedule an appointment.



Pre-application meetings are highly recommended prior to submission of applications for subdivision permit. We have found that the best time for the pre-application meeting or site visit is after you have enough information about the site and intended project, yet before you invest too much time and resources into preparing your application form. Our staff can assist by explaining the requirements associated with a subdivision permit. Should you wish, the LUPC staff is also happy to have a second pre-application meeting just before you submit your application to help ensure your application is complete. Call the LUPC office that serves your area to schedule an appointment.

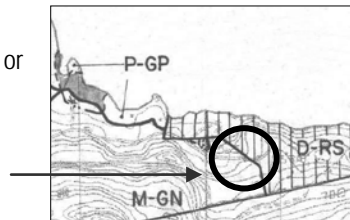
## BEFORE YOU BEGIN ...

There are some important questions that you should explore before going through the time and expense of filing a subdivision permit application with the Commission:

### ▪ Is the zoning of your project area appropriate for subdivision?

Subdivisions are permitted only within certain subdistricts (zones) under the Commission's standards. You may obtain a copy of a Land Use Guidance Map from the Commission free of charge for the township, town or plantation in which your property is located by contacting the LUPC office that serves your area. You may also find the Land Use Guidance Map online at

[www.maine.gov/dacf/lupc/plans\\_maps\\_data/zoning\\_maps/index.shtml](http://www.maine.gov/dacf/lupc/plans_maps_data/zoning_maps/index.shtml) or create a pdf map from the [LUPC Zoning and Parcel Viewer](#). Locate your property on the map and identify all the subdistricts within your lot. For instance, the circled area on this LUPC map includes two subdistricts: M-GN and D-RS.



Once you have identified all the subdistricts within your project area, refer to sub-chapter II of the Commission's [Land Use Districts and Standards](#) (Chapter 10) to determine whether subdivisions are permitted uses within these subdistricts. If subdivisions are not permitted uses within the subdistricts, you may need to rezone your property to an appropriate subdistrict before filing a subdivision application. If a zoning change is required for your proposal, contact the Commission's staff to find out about how to petition the Commission for a change in zoning.

### ▪ Are soil conditions within the proposed subdivision suitable for development?

You will need to hire a soil scientist to complete a map of the soil types on the property proposed for subdivision. The soil scientist can advise you whether the soils within the project area are suitable for your subdivision proposal and any associated development. Please note that several required exhibits (including the soil suitability analysis, test pit logs for individual lots, interior road and drainage design, sedimentation and erosion control, and phosphorus control) call upon information and expertise provided by your soil scientist. It can save both time and expense if you discuss these requirements with your soil scientist prior to conducting any soils mapping.

If individual wells and sewage disposal systems are proposed, the following minimum criteria must be met:

Lots must be designed such that all wells and all sewage disposal systems, including those on neighboring property, are a minimum of 100 feet apart. This should be accomplished by including, on the working plan of the subdivision, a 100 foot radius circle around the location of each test pit: If areas exist on each lot which do not fall within any circle, then the minimum separation distance can be met. Wells will have to be located outside of those circles as well. Sewage disposal systems must be setback at least 100 feet from lakes, ponds, rivers, streams, wetlands, etc., and at least 100 feet from any known existing wells or other water supplies.

There are other minimum requirements that apply to the installation of sewage disposal systems. Consult your [Soil Scientist, Licensed Site Evaluator, Local Plumbing Inspector](#) or the [Subsurface Wastewater Rules](#) of the Maine State Plumbing Code.

### ▪ Is the proposed layout and design of the subdivision in keeping with the Commission's requirements?

The Commission requires that subdivisions be designed to "harmoniously fit the natural environment" and "cause no undue adverse impact on existing surrounding uses". Creatively designed, well-planned projects that apply an *integrated planning approach* -- one which conserves natural resources, protects sensitive resources and preserves undeveloped open space -- have the greatest potential of providing harmonious, compatible development which achieves the Commission's objectives.

The recommended method for designing harmonious, compatible development is to begin the design process by gathering information about the natural features present within the project area as well as the uses and resources that surround the project area. *Before laying out your lot lines*, map where the important features of your land exist (e.g., steep slopes, scenic vistas and ridge lines, wetlands, streams and other water bodies, poor soils, important plant communities and wildlife habitats, historic landmarks, existing structures etc. -- see Exhibit D-1 for details). Then look beyond your property lines and identify the characteristics of your neighborhood (i.e. identify the type and scale of land uses and resources surrounding your property). Using this information as the foundation for your subdivision design, place and design your lots to avoid impacts to the sensitive natural features on your property, maximize the amount undeveloped open space, and fit the surrounding uses and resources in the community.

Refer to the Section 10.25,Q,3 within the Commission's *Land Use Districts and Standards* (Chapter 10) for details regarding the LUPC layout and design requirements for subdivisions.

## HOW LONG WILL IT TAKE TO OBTAIN A PERMIT?

**A permit decision will be issued within 60 days of a complete application being received and accepted by the LUPC staff.** In many cases a permit decision will be made sooner, in some cases within one month of the application being submitted at one of the LUPC offices. The 60 day time period will not start until a complete application with all required exhibits is submitted. The LUPC staff will contact you if the application is not complete and let you know what is still required to make it complete. Please be aware that subdivision permit applications are more complex than most activities.

## WHAT IF MY PROPOSAL DOES NOT MEET THE CRITERIA FOR APPROVAL?

**The LUPC staff will contact you if it is determined that the proposal is not approvable as proposed.** The LUPC staff will then work with you to determine your options and to recommend modifications to your application in order to make your project approvable. At that point, you may choose one of the following options:

1. Make modifications and resubmit your application (it will be placed on-hold until an updated and complete application is submitted); or
2. Withdraw your application; or

- Proceed with your application as originally submitted. In the event your application is denied by staff, you will have an opportunity to appeal that decision to the Commission.

### WHERE CAN I GET HELP TO COMPLETE THIS APPLICATION?

Call the LUPC regional office that serves your area and ask to speak to one of our regional representatives (see below for office locations and contact information). Also, go to the LUPC web site at [www.maine.gov/dacf/lupc/](http://www.maine.gov/dacf/lupc/) to browse through our rules and regulations, recent publications and newsletters, Commission meeting agendas, and other valuable information.

### MAILING YOUR APPLICATION

Submit your completed application and all required attachments, including the appropriate application fee, exhibits and supplements (see Question 22 on page 8 for details) to the LUPC office serving your area.

<u><a href="#">AUGUSTA OFFICE</a></u>	<u><a href="#">ASHLAND OFFICE</a></u>
18 Elkins Lane - Harlow Bldg.                      Tel. (207) 287-2631 22 State House Station                              FAX (207) 287-7439 Augusta, ME 04333-0022	<i>Serving most of Aroostook County, and portions of northern Penobscot and Piscataquis Counties</i> 45 Radar Road    Tel. (207) 435-7963 Ashland, ME 04732-3600                              FAX (207) 435-7184
<u><a href="#">BANGOR OFFICE</a></u>	<u><a href="#">EAST MILLINOCKET OFFICE</a></u>
<i>Serving Hancock, Kennebec, Knox, Lincoln, Sagadahoc, and Waldo Counties; most of Washington County; and all coastal islands in the LUPC service area</i> 106 Hogan Rd, Suite 8                                  Tel. (207) 941-4052 Bangor, ME 04401    FAX (207) 941-4222	<i>Serving southern Penobscot and Aroostook Counties, and portions of Piscataquis and northern Washington Counties</i> 191 Main Street    Tel. (207) 746-2244 East Millinocket, ME 04430                              Tel. (207) 731-4405 FAX (207) 746-2243
<u><a href="#">GREENVILLE OFFICE</a></u>	<u><a href="#">WEST FARMINGTON OFFICE</a></u>
<i>Serving Somerset County and most of Piscataquis County</i> 43 Lakeview Street                                      Tel. (207) 695-2466 P.O. Box 1107    FAX (207) 695-2380 Greenville, ME 04441	<i>Serving Franklin and Oxford Counties</i> 133 Fyfe Rd    Tel. (207) 670-7492 OX P.O. Box 307    Tel. (207) 670-7493 FR West Farmington, ME 04992

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For office use:

	<b>SP</b>		<b>\$</b>	
Tracking No.		Permit No.		Fee Received

# Subdivision Permit Application

## 1. APPLICANT INFORMATION

Print the names and contact information of all persons or companies with right, title or interest in the property associated with this application OR the persons or companies with prior legal authority to represent the landowners in land use matters (e.g., land managers). Persons with "right, title or interest" are those listed on any deed, lease or sales contract for the property. If a designated agent without prior legal authority will be representing the applicant, see Question 2.

Applicant Name(s)*	Daytime Phone	FAX or Email (if applicable)	
Mailing Address	Town	State	Zip Code
*If the applicant listed above is NOT the landowner, please complete the landowner information below and then explain on what legal authority you are able to apply for permits on the landowner's behalf: _____			
Submit as part of <b>Exhibit A</b> , authority from the landowner to represent them in all land use matters.			
Landowner Name(s)	Daytime Phone	FAX or Email (if applicable)	
Address	Town	State	Zip Code

## 2. APPLICANT SIGNATURES AND AGENT AUTHORIZATION

If you have a designated agent, print his/her legal name and contact information below. Agents are persons acting on the applicant's behalf (such as realtors, attorneys, or contractors). If you have a designated agent, provide the requested information.

All applicants utilizing an agent must sign and date the signature box below. Agents may not sign for the applicant!

Agent Name	Daytime Phone	FAX or Email (if applicable)	
Mailing Address	Town	State	Zip Code

All persons listed on the deed, lease or sales contract as owners or lessees of the property must read the statement and sign below.

I hereby authorize the above-listed individual to act as my legal agent in all matters relating to this permit application. I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits, and to the best of my knowledge and belief, this application is true and accurate. I understand that I am ultimately responsible for complying with all applicable regulations, conditions and limitations of any permits issued to me by the LUPC.

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that if the application is incomplete or without any required exhibits that it will result in delays in processing my permit decision. The information in this application is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I certify that I will give a copy of this permit and associated conditions to any contractors working on my project. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the LUPC. If there is an Agent listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this permit application.

Please check **one** of the boxes below: (see "Accessing the Project Site for Site Evaluation and Inspection" just prior to the application form)

- I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.
- I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

**Caution: The person(s) signing below must demonstrate that they have a legal right to apply for this permit, either as the landowner, lease holder, or via a legal agreement or other written contract with the landowner (See Exhibit A).**

Signature(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_



**3. PROPERTY LOCATION** Provide the following details about your property location. Tax plan and lot numbers are listed on your property tax bill. Book and page numbers are listed on your deed. If you lease your property, check your lease to find out whether any unique lease lot numbers have been assigned to the property.

Township, Town or Plantation	County
Tax Plan and Lot Numbers <i>(check tax bill)</i>	Deed or Lease Information <i>(check deed or lease)</i> Book: _____ Page: _____ Lease #: _____
Lot size <i>(in acres, or in square feet if less than 1 acre)</i>	
All Zoning on Property <i>(check the LUPC Guidance map)</i>	Zoning at Development Site
Road Frontage. List the name(s) and frontage(s) (in feet) for any public or private roads, or other right-of-ways adjacent to your lot: Road #1 _____ Frontage _____ ft. Road #2 _____ Frontage _____ ft.	Water Frontage. List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot: Waterbody #1 _____ Frontage _____ ft. Waterbody #2 _____ Frontage _____ ft.
If there is no road frontage, describe how you access your property.	

**4. PROJECT DESCRIPTION**

Provide a summary of your proposal. Include a description of your subdivision, as well as any plans to construct structures or roads; install signs or lighting; alter the shoreline (e.g., boat launch, beach, docking area); and list all other proposed land use activities.

Proposed Subdivision Name _____	Number of Lots Proposed _____
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**5. SUBDIVISION ACREAGE**

Specify the acreage proposed for subdivision lots, roads, infrastructure and other development under Acres to be Developed. Specify the acreage proposed to be retained by the developer under retained acres. Specify the acreage proposed for open space or other non-developable uses under conserved acres. Specify the total amount of contiguous land area that is owned or leased by the applicant within the township, town or plantation of the project area under total contiguous acres. Total contiguous acres should equal the sum of the Acres to be Developed, Retained Acres, and Conserved Acres.




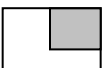

Acres to be Developed	Acres Retained: <i>(To Remain Undeveloped)</i>	Acres Retained: <i>(To Be Developed with roads, etc)</i>
Conserved Acres	Total Contiguous Acres	

## 6. LAND DIVISION HISTORY

**Commission Approved Subdivision.** List the approved subdivision number: ..... SP \_\_\_\_\_ and SP Lot #: \_\_\_\_\_

If your property is part of subdivision approved by the Commission, continue to Question 7. If your property is not part of an approved subdivision, please continue to Land Division History. (check deed or contact the LUPC office that serves your area)

Using your deed as a starting point, trace the ownership history and configuration changes of your property back to 20 years from today. List all changes in ownership and all divisions of lots from which your property originated. Describe the transaction, the seller's and buyer's names, the date of sale or lease, and the size of the lot resulting from the transaction.

Example:	Grantor and Grantee	Date of sale or lease	Lot size
 ← Amy Adams sold a 10 acre lot to her neighbor, Rob Rogers, on November 22, 1990.	Amy Adams → Rob Rogers	11/22/1990	10 acres
 ← Rob Rogers sold a 4-acre portion of his lot to Dan Davis on June 12, 1997.	Rob Rogers → Dan Davis	06/12/1997	4 acres
 ← Rob Rogers gifted the remaining 6 acres to his daughter, Sue Smith, on January 11, 1999.	Rob Rogers → Sue Smith	01/11/1999	6 acres
 ← Sue Smith sold a 2-acre part of her lot to John Jones on May 21, 2005. Sue Smith still owns the remaining 4 acres.	Sue Smith → John Jones	05/21/2005	2 acres
 ← Applicant purchased the 2-acre lot from John Jones on July 15, 2011.	John Jones → Applicant	07/15/2011	2 acres

Grantor and Grantee	Date of sale or lease	Lot size (in acres)

## 7. SITE CONDITIONS

Describe in detail the present condition of your property and the project site, including the nature of any water frontage (rocky, sandy, wooded, cleared, etc.); the general slope and topography of the ground (flat, steep, percent slope, etc.); any history of vegetation clearing and timber harvesting activities; and whether portions of the site are subject to flooding or ponding, etc. (Use additional sheet[s] if necessary).

Water Frontage:

Slope and Topography:

Existing Vegetation:

Hydrologic Features:

Special Natural Areas:

Natural and Cultural Conditions:

## 8. EXISTING USES

What is the current use of your property?

- Residential                       Residential with home occupation                       Commercial or industrial  
 Undeveloped / Forestry                       Public or institutional                       Other: \_\_\_\_\_

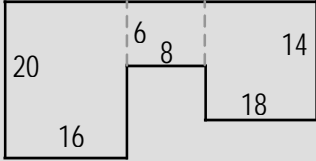
## 9. EXISTING STRUCTURES AND FEATURES

If there are any existing structures or features on your property, fill in the table below with details about each structure or feature.

Type of structure (dwelling, garage, deck, porch, shed, driveway, etc.)	Year built	Exterior dimensions (LxWxH)	Type of Foundation (full basement, slab, post, etc.)	Distance (in feet) of structure from nearest:					
				Road	Property line	Lake or pond	River or stream	Wetland	Ocean

**Types of structures and features** include buildings, walkways, signs, driveways, parking areas, shoreland alterations (e.g., rip-rap, boat launch, dock), and other constructed or installed items. Types of foundations include a full foundation, basement, frost wall, slab, posts, sono tubes, etc.

Measure the **exterior dimensions** of any structure along its outer surfaces. Measure the height of the structure from the peak of the roof (excluding chimneys or antennae) to the lowest point of the structure at grade along the downhill side (such as the floor of a daylight basement). If the structure is irregularly shaped, write in its detailed dimensions. For example, a 24-foot high structure shaped like this.....



...would have these dimensions: 16x20x24; 6x8x24; 14x18x24.

Measure all **setback distances** horizontally. Road setbacks are measured as the distance from the edge of the pavement or traveled way to the nearest portion of a structure. Property line setbacks are measured as the distance from the property boundary line to the nearest portion of a structure. Setbacks from water bodies and wetlands are measured as the distance from the normal high water mark to the nearest portion of a structure.

## 10. NOISE AND LIGHTING

- a. Except for day-time construction activities, will any continuous, regular or frequent source of noise be generated by the development? **If YES**, describe the source and frequency of such noise and explain how you will ensure that such noise will not exceed the LUPC's maximum permissible sound pressure levels.

**Refer to Section 10.25,F of the Commission's *Land Use Districts and Standards* for rules relating to noise and lighting.**

- b. If your project will use any new or existing lighting, describe the fixtures that are or will be installed to illuminate the project area.

Type of Bulb	Watts	Cutoff fixture (Y/N)	Motion activated (Y/N)	If existing, date fixture was installed

## 11. WETLAND ALTERATIONS

- a. Will your proposal alter any amount of land that is a mapped P-WL subdistrict or any ground below the normal high water mark of a lake, pond, river, stream, or intertidal area? .....  YES  NO
- b. Will your proposal alter an acre or more of any land area, either upland or wetland? .....  YES  NO

**ⓘ** **Alteration** means removing or displacing soil, sand, vegetation or other materials; dredging; bulldozing; draining or dewatering; filling; or any other construction, repair or alteration of any permanent structure. **P-WL subdistricts** include lakes, ponds, rivers, streams, bogs, marshes, intertidal areas and other types of wetlands identified on the Commission's Land Use Guidance Maps. Mapped wetlands usually show on the maps as P-WL1, P-WL2 or P-WL3 subdistricts. However, small streams are also considered P-WL subdistricts, even if they are not shown on the Land Use Guidance maps. The legend on the maps will help you interpret the symbols. Refer to Section 10.25,P of the Commission's *Land Use Districts and Standards* for rules relating to wetland alteration. **If you answer YES** to either Question 11a or 11b, you must submit **SUPPLEMENT S-3: Wetland Alterations** with your application (see instructions on page v).

## 12. FLOOD ZONING

Is any part of your proposed subdivision located within a mapped P-FP (Flood Prone Area Protection) Subdistrict, a mapped FEMA (Federal Emergency Management Agency) flood zone, or an unmapped area prone to flooding?

P-FP Subdistrict .....  YES  NO  
 FEMA Flood Zone .....  YES  NO  
 Unmapped Area Prone to Flooding .....  YES  NO

**If YES, you must complete Exhibit W and Supplement S-4: *Development in Flood Prone Areas*.** Contact the LUPC office that serves your area or download at [www.maine.gov/dacf/lupc/application\\_forms/supplement\\_app\\_list.shtml](http://www.maine.gov/dacf/lupc/application_forms/supplement_app_list.shtml).

**If YES, only retained land, open space, or common (undeveloped) portions of the land area involved in this subdivision permit application and/or any existing development (such as structures, roads, water crossings, trails, etc.) may be located within any of these flood prone areas. Any such areas should be indicated on the proposed site plan.**

**ⓘ** If you are unsure whether your property is in a mapped Federal Emergency Management Agency (FEMA) floodplain, contact the LUPC office that serves your area.

## 13. EROSION AND SEDIMENTATION CONTROL

Respond to the following questions if you will be creating or expanding areas of soil disturbance.

**ⓘ** Refer to Section 10.25,M of the Commission's *Land Use Districts and Standards* for rules relating to erosion and sedimentation control.

- a. Provide the total area of soil disturbance within the project site. .... sq. ft.
- b. Identify the distance between each disconnected disturbed area and the nearest road, property line, lake or pond, river or stream, and wetland:

Name/ID of disturbed area	Setback distance (in feet) from:					
	Road	Property line	Lake or pond	River or stream	Wetland	Ocean

- c. If soil disturbance will occur within 250 feet of a water body or wetland, what is the average slope of the land between the disturbed soil and the normal high water mark or upland edge? ..... %
- d. Will soil disturbance occur when the ground is frozen or saturated? .....  YES  NO
- e. Will soil disturbance occur: (1) in water bodies, wetlands, natural drainage systems, or water crossings; (2) on slopes exceeding 15%; or (3) in other environmentally sensitive areas? .....  YES  NO
- If YES, how will you stabilize disturbed areas and minimize the amount/duration of soil exposure?**

**14. EROSION AND SEDIMENTATION CONTROL (CONTINUED)**

- f. Will existing catch basins and culverts on or near the property be protected from sediment by the use of hay bale check dams, silt fences or other effective measures? .....  YES  NO
- g. Will topsoil be stripped from the property?.....  YES  NO  
If YES, will the topsoil be stockpiled at least 100 feet from water and wetlands? .....  YES  NO
- h. Will all disturbed areas and stockpiled soils be effectively stabilized at the end of each workday? .....  YES  NO
- i. Will any fill used be free of hazardous or toxic materials, debris, trash and rubbish? .....  YES  NO
- j. What will you do (during site preparation, construction, cleanup, and post-construction) to stabilize disturbed soil and prevent sediment from entering water, wetlands, natural drainage systems, catch basins, culverts or adjacent properties? (Use additional sheets as necessary)

k. How will you ensure the continued maintenance of all proposed erosion and sedimentation control measures?

l. Provide a general timeline of construction activities on your property, including clearing, grading, construction and landscaping.

**15. PUBLIC AND COMMUNITY SERVICES**

- a. How will sewage be disposed of on subdivision lots?
  - Individual sewage disposal systems by lot owners.
  - Central sewage disposal system by applicant. Explain what provisions will be made for system maintenance and repair.
  - Other (explain) \_\_\_\_\_
- b. How will drinking water be supplied to subdivision lots?
  - Individual wells by lot owners.
  - Central water supply by applicant.
  - Other (explain) \_\_\_\_\_
- c. If you are proposing a central well, how will it be sited and constructed to prevent infiltration of surface water and contaminants?

d. Will your project include any potential sources of water contamination (e.g., junkyards, auto repair shops, fuel storage sites, etc.)? .....  YES  NO  
If YES, explain in detail the source of contamination and how you will ensure that the source will not contaminate the project site or other properties. Is the project site at least 300 feet from the nearest private or public water supply?

e. Who will provide fire protection for the subdivision? Provide the name and distance to the nearest fire station.

f. What state-approved solid waste landfill or transfer station will provide regular collection and/or disposal of site-generated solid wastes? Provide the name and location of the landfill or transfer station. How will you dispose of construction debris, stumps, brush, wood wastes, asphalt and pavement products?


g. Provide the following details about telephone and electric service for your project:  
How far is the project site from the nearest existing utility line? ..... Feet / miles  
Will the subdivision lots be provided with electric power? .....  YES  NO  
If YES, how will power be provided (e.g., generators, utility lines, etc)?

How far is the project site from the nearest existing telephone line? ..... Feet / miles  
Will the subdivision lots be provided with telephone service? .....  YES  NO  
Describe any proposed restrictions on telephone or electric service (e.g., underground cables, generator use only, etc.)

**!** Submit answers to Questions 16 through 24 on separate 8½ x 11 inch sheets of paper.

## 16. TECHNICAL AND FINANCIAL CAPACITY


- a. Will you hire any consultants, contractors or staff to design the proposed subdivision and construct any associated facilities or infrastructure?  
**If YES**, summarize the experience and training of your staff. Otherwise, describe your own experience and training in design and construction.

 Refer to Section 10.25,C of the Commission's *Land Use Districts and Standards* for rules relating to technical and financial capacity.

- b. Provide the total estimated cost of the proposed subdivision and itemize the costs within the following categories: (1) Total cost, (2) Legal, (3) Surveying, (4) Roads & structures, (5) Sewer & water, (6) Erosion & drainage, (7) Soils & wetlands, and (8) Other.  
Provide, as **EXHIBIT J**, documentation of your financial capacity to undertake the proposed subdivision. (see instructions)

## 17. SUBDIVISION LAYOUT AND DESIGN

- a. Describe how your subdivision will fit harmoniously into the natural environment and existing surrounding uses. In particular, does your design fit the existing character and uses of the surrounding area?  
Is the placement of lots, driveways and roadways compatible with your property's natural features (e.g., topography, wetlands, soils, etc.)?

 Refer to Sections 10.25,Q; 10.25,R; and 10.25,S of the Commission's *Land Use Districts and Standards* for rules relating to subdivisions, cluster development and open space.


Is the placement of lots an expansion of existing neighborhoods or do they create new community centers, and do they avoid linear lot configurations along roads and shorelines?

Discuss which goals and policies of the [Comprehensive Land Use Plan](#) which your project meet and how.

- b. Have the lots within your subdivision been placed in a way that creates a new community center or expands upon (infills) an existing neighborhood?  
**If YES**, explain how the subdivision accommodates a community center or infills an existing neighborhood.  
**If NO**, explain in detail why such a design is not practicable and describe your proposed alternate lot placement.
- c. Which lots within your subdivision will utilize shared driveways? For those lots that do not utilize shared driveways, explain why shared driveways are not practicable.
- d. For subdivisions with proposed mixed residential, commercial or civic uses, explain how the proposed commercial uses fit the size, scale and intensity of the surrounding residential uses.
- e. For projects that may qualify for the **Commission's level 2 subdivision review** (refer to Section 10.25,Q,2 of the Commission's *Land Use Districts and Standards* for details), respond to the following questions.
- Is the subdivision located within 1,000 feet of a public roadway?
  - Is the subdivision located within one road-mile of existing compatible development?  
**If YES**, describe in detail the type, use, occupancy, scale and intensity of the developed area.
- f. If you propose to create a clustered subdivision or a subdivision that includes open space, respond to the following questions.
- How much aggregate land area (i.e. area to be developed, including lots, roads and other infrastructure but excluding open space) is proposed within the subdivision? (indicate in square footage or acreage)
  - How much land area is proposed to be preserved as open space? (indicate in square footage or acreage)
  - How much of the open space land area is suitable for development (i.e. acreage excluding wetlands, slopes exceeding 15%, poor soils and other unbuildable land)? (indicate in square footage or acreage)
  - What mechanisms will be used to permanently protect and maintain the land area proposed for open space?

## 18. VEHICULAR CIRCULATION, ACCESS AND PARKING

- a. How will you provide safe and uncongested vehicular access to and circulation within your project area? In responding to this question, consider: (1) whether the number and width of road access points is minimized to that necessary for safe entering and exiting; (2) whether access will be designed so that vehicles can exit the site without backing onto roadways; (3) whether shared driveways will be implemented (if not, describe why shared access is not feasible); (4) at what angle the access way will intersect the roadway; (5) what curb radius the access way will have; and (6) how sight triangles will be designed and maintained on each side of the intersection between the access way and roadway.

 Refer to Sections 10.25,D; 10.27,D; and 10.27,H of the Commission's *Land Use Districts and Standards* for rules relating to traffic management and roadway construction.

If your project generates considerable traffic or involves access onto certain public roads, you may also need Maine Department of Transportation permit authorization. For details, contact the Maine DOT at (207) 624-3600 or [www.maine.gov/mdot/](http://www.maine.gov/mdot/).

- b. If you are proposing to use any existing or new parking areas, explain how such parking will meet the needs of the project and how such parking areas will be designed. How will parking areas be visually buffered from the roadway?
- c. If exterior roads are available to access the subdivision, provide the following information about each existing access road:

Road Name	Public or Private	Owner or Land Manager Name	Access Limitations
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If existing or proposed access to the project site is limited in any way (i.e. seasonal road closures or temporary access only) submit as **EXHIBIT K**, documentation of the access limitations. (see instructions)

- d. Provide the following information about each road you propose to build or upgrade.


Road name	Building or upgrading?	Length and travel width of road	Right-of-way width	Average sustained grade	Maximum sustained grade	Number of culverts and crossings	Type and depth of wearing surface	Type and depth of base
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- e. What site-specific best management practices will be used to ensure that existing and proposed roadways do not create erosion or safety problems?
- f. How will roadways be designed to protect scenic vistas and minimize the use of ditching, cuts and fills?
- g. What provisions will be made for the continued maintenance of any proposed roadways, water crossings and drainage control structures? If any roadway will be dedicated to a town, plantation, county or other government, will its design comply with that government's roadway construction standards?
- h. If any proposed roadways will be co-utilized for forest management purposes, explain how and where turnouts will be installed to accommodate wood haulers and other large vehicles.
- i. If the site can only be accessed by water during any part of the year, identify and describe the parking and boat launching facilities at or near the site and on the mainland. When addressing this question be sure to: provide a map or clear description of the locations of the facilities, identify their owner(s), and describe the capacity and any use restrictions of the facilities.
- j. Are you constructing a new driveway or entrance or changing a current driveway in a way that will increase traffic volume, or create a safety or drainage concern regarding a State or State-Aid Highway?

**If YES**, you must submit **Exhibit K: Driveway/Entrance Permit**. Note: If your property is located along a County or Town/Plantation Road, you should check with that office before submitting this application to see what is required.


## 19. SCENIC CHARACTER, NATURAL AND HISTORIC FEATURES

- a. How will your development be located, designed and landscaped to minimize visual impacts on the scenic character of the surrounding area? Will structures and other features be visible from existing roadways or shorelines? If on a ridge, how will the natural character of the ridgeline be preserved?
- b. If any portion of your project site includes critically imperiled (S1) or imperiled (S2) natural communities or plant species, describe the designation. Explain how you will ensure that there will be no undue adverse impact on the community/species and how you will preserve the values that qualify your site for such designation.
- c. If any portion of your project site includes archeologically sensitive areas, structures listed in the National Register of Historic Places or significant archaeological sites or structures, describe the designation. Explain how you ensure that there will be no undue adverse impact on such features and how will you preserve the values that qualify your project site for such designation.
- d. Is any portion of your project site located within, or close proximity, a significant wildlife habitat as designated either by the MDIFW or USFWS? If so, identify the designated wildlife habitat and explain how you will ensure that there will be no undue adverse impact on the habitat.

 Refer to Section 10.25,E of the Commission's *Land Use Districts and Standards* for rules relating to scenic character, natural and historic features. For information about S1 and S2 natural communities and plant species, contact the Maine Natural Areas Program at (207) 287-8044 or visit the Program's web site at [www.maine.gov/dacf/mnap/index.html](http://www.maine.gov/dacf/mnap/index.html). For information about archaeological and historic features, contact the Maine Historic Preservation Commission at (207) 287-2132 or [www.maine.gov/mhpc/index.shtml](http://www.maine.gov/mhpc/index.shtml).

## 20. WATER AND AIR QUALITY

- a. If your property or project area is near any water bodies, what measures will you use to ensure that point and nonpoint sources of water pollutants (including sediment) caused by your proposal do not impair the surface water quality?
- b. How will you ensure that your project will not pose an unreasonable risk of polluting a groundwater aquifer?
- c. Will your project generate any air emissions other than ordinary fireplace smoke or heating furnace exhaust?  
**If YES**, describe the type and amount of emissions.

 Refer to Sections 10.25,K and 10.25,O of the Commission's *Land Use Districts and Standards* for rules relating to water and air quality.



## 21. SUBDIVISIONS IN PROSPECTIVELY ZONED AREAS

If your project is located in one of the following Prospectively Zoned Plantations or Townships, please answer Questions 21 a. through c.

Adamstown Twp.	Dallas Plt.	Lincoln Plt.	Magalloway Plt.
Rangeley Plt.	Richardsontown Twp.	Sandy River Plt.	Townships C, D, and E.


If your project is not located in one of these plantations or townships, please continue to Question 22.

- How will development within your proposed subdivision will be visually screened from adjacent uses?
- Will development within your proposed subdivision be substantially similar in building height, bulk, and roof lines to neighboring development? Describe the features that will make the development similar.
- What will you do to facilitate pedestrian access between adjacent sites and nearby residential neighborhoods?

## 22. SHORELAND DEVELOPMENT

If your proposed subdivision is adjacent to any lakes or ponds, please provide the information below.

- List the lake classification and any significant and/or outstanding values for the affected lake or pond.
- List any activities included in your proposal that may have an adverse impact on water quality.
- Does your project limit or otherwise impact traditional uses, including non-intensive public recreation, sporting camp operations, timber harvesting, and agriculture.
- Describe how adequate provision has been made to maintain the natural character of the shoreland.
- How does your proposal ensure that individual parcels proposed for separate ownership will not be over-developed or exceed a proportional share of allowed development? List any covenants or deed restrictions relating to allowed development area and intensity.

 Refer to Section 10.25,A of the Commission's *Land Use Districts and Standards* and the "Review Criteria for Shoreland Permits" in the Commission's *Comprehensive Land Use Plan* (Appendix C, p. C-6) for information relating to shoreland development.

## 23. ADDITIONAL INFORMATION

State any facts that further explain your proposal or may help in the review of your application.

## 24. REQUIRED FEES, EXHIBITS AND SUPPLEMENTS

Submit all necessary fees, exhibits and supplemental information with this application, as described in the instructions beginning on the next page.

# CHECKLIST OF REQUIRED FEES, EXHIBITS, AND SUPPLEMENTS

Please check off the following for the application fee, exhibits, and supplements. To determine which exhibits are required for your application, use the highlighted notes (★) contained in certain questions and the instructions in Required Fees, Exhibits and Supplements. Please check if the exhibit is required and if it has been provided, and note that the supplements may also require additional exhibits. Please check with the LUPC staff if you have any questions.

Required*		Provided		Exhibit	*Required
YES	NO	YES	NO		
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application Fee .....	★ Required unless a waiver is granted by the LUPC Director in very specific and limited circumstances.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit A – Deed, Lease or Sales Contract .....	★ Required unless already on file with the LUPC and no changes have been made to the lot or covenants/restrictions or easements from what is on file.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit B – Location Map .....	★ Required.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit C – Site Photographs.....	★ Required unless already on file with the LUPC and photos are representative of current conditions.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit D-1 – Existing Site Plan .....	★ Required.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit D-2 – After Site Plan .....	★ Required.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit E – Tabulated Lot Specifications .....	★ Required.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit F – Soil Suitability and Mapping .....	★ Required.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit G – Water Supply.....	★ Required.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit H – Solid Waste Disposal .....	★ Required.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit I – Notice of Filing .....	★ Required.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit J – Financial Capacity.....	★ Required.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit K – Roadway Access.....	★ Required unless already on file with the LUPC and no changes have been made to the access provisions.
√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit L – Wastewater Disposal .....	★ Required.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit M – Erosion and Sedimentation Control Plan.....	Required if you will alter, disturb or fill a total of one acre or more of land, whether upland or wetland.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit N – Phosphorus Control Plan .....	Required if the subdivision is within the direct watershed of a lake or pond that is 10 acres or larger.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit O – Roadway and Drainage Design and Maintenance.....	Required if the proposed subdivision includes the construction and/or continued use of any on-sitroads.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit P – Liquidation Harvesting Certification.....	Required if the timber on your land has been harvested in the past 5 years.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit Q – Corporate Good Standing .....	Required if applicant is a corporation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit R – Subdivision Lot Deed or Lease Covenants .....	Required unless already on file with the LUPC and no changes have been made to the lot or covenants/restrictions or easements from what is on file.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit S – Lot Owners Association Bylaws .....	Required if the subdivision is or will be served by a lot owners association, unless already on file with the LUPC and are representative of current conditions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit T – Parking Landscaping Plan.....	Required if the subdivision will be served by a parking lot of 1 acre or more in size.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit U – Archaeological Survey .....	Required if the subdivision involves archaeologically sensitive areas or structures listed on the National Register of Historic Places.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit V – Traffic Impact Study .....	Required for certain subdivisions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit W – Flood Boundaries and Elevation Certificate .....	Required for any development within a FEMA Flood Plain, if your answer to Question 12 is YES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit X – Additional Notice	Required for any subdivision permit application where interests have been sold without a subdivision permit.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplement S-3: Requirements for Wetland Alterations .....	Required if the answer to Question 11 a or b is YES.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplement S-4: Requirements for Development in Flood Prone Areas .....	Required if the answer to Question 12 is YES.

# REQUIRED FEES, EXHIBITS AND SUPPLEMENTS

**GENERAL INSTRUCTIONS** Because your subdivision permit application cannot be considered complete until all necessary exhibits have been submitted, read the explanation and description of what is required for each exhibit carefully. In general:

- Exhibits must be clearly identified with the applicant's name and exhibit letter.
- All plans must be drawn to the same scale, generally 1 inch = 100 feet (or less), and must include an identification box which provides the following information: →
- Plans must not exceed 24 x 36 inches in size.
- Submit 10 copies of any exhibits that exceed 8½ x 11 inches, contain spiral or tape binding, or are otherwise difficult to photocopy.
- If available, also submit the application and exhibits in electronic format on a CD. Contact the LUPC for format specifications.

Subdivision Name and Applicant Name  
 Name of Township, Town or Plantation; and County Name  
 Scale 1 inch = 100 feet (include scale bar)  
 Prepared by: \_\_\_\_\_ Date prepared: \_\_\_\_\_

**APPLICATION FEE** (nonrefundable) Submit a check or money order payable to "Treasurer, State of Maine". The subdivision permit application base fee is \$1,000.00 plus \$500.00 per subdivision lot proposed (common lots and areas to remain undeveloped are not considered lots for purposes of calculating an application fee).

**EXHIBIT A: DEED, LEASE OR SALES CONTRACT** Submit complete, signed copies of all deeds or leases that demonstrate the applicant's right, title or interest in all of the land addressed in this application. Or submit a current binding option to purchase all necessary interest in the land, or a similar contractual agreement that establishes terms for future title and provides a description of the property. If you are submitting a contract, you must also submit complete, signed copies of all deeds or leases that demonstrate the current land owner's right, title or interest in all of the land addressed in this application.

📌 If you lease your property, read your lease carefully and contact the lessor before submitting this application to the LUPC. You may need to get written permission from the lessor for your proposal first.

**EXHIBIT B: LOCATION MAP** Submit a copy of the LUPC Land Use Guidance Map or another equivalent map (such as a USGS topographic or tax map) on which you have clearly marked the boundaries of your property and the boundaries of the land you propose to subdivide.

**EXHIBIT C: SITE PHOTOGRAPHS** Attach a series of photographs taken within the past two years that show your property as it currently exists. While not required, in some cases aerial imagery can best illustrate the current condition of a proposed subdivision site. Mount the photos on 8½ x 11 inch paper and include an explanatory caption and date for each photo.

**EXHIBIT D: SITE PLANS** Submit two site plans of your project area, one showing the project site as it presently exists and one working plan showing the proposed subdivision. Include the following features for each plan:

**D-1: EXISTING SITE PLAN**

- Property boundary lines and dimensions (including any road and water frontage).
- Existing structures (including roads, buildings, wells, walkways, driveways, parking areas, signs, utility facilities, etc.) and the distances of each structure from the nearest property line, road, lake, pond, river, stream and wetland.
- Existing natural features (including wooded areas, open fields, rivers, perennial and intermittent streams, lakes, ponds, wetlands, floodplains, steep slopes, historic landmarks, etc).
- The boundaries of any sold or leased lots that were divisions of the lot from which your property originated (see Question 6 on page 2 for further details), including the parcel size, the owner or lessee name, and the date the lot was sold or leased.
- Areas that have been cleared of vegetation, stripped, graded, grubbed, filled, or otherwise have resulted in soil exposure.


**D-2: PROPOSED SUBDIVISION PLAN**

- All property boundary lines, existing structures and existing natural features, as shown on the Existing Site Plan.
- All proposed subdivision lot boundary lines (including designated common areas and any other areas that are to remain undeveloped), lot numbers, building envelopes, and test pit locations.
- All proposed structures (including roadways, bridges, culverts and other water crossings, boat launch facilities, storage buildings, etc).
- All other changes proposed to the subdivision site or the existing structures and features identified on the Existing Site Plan (including areas to be cleared of vegetation, stripped, graded, grubbed, filled or otherwise will result in soil exposure).

**EXHIBIT E: TABULATED LOT SPECIFICATIONS** Submit a tabulated listing of individual lot specifications in the format indicated below. Include specifications for each individual lot, including designated common areas or any other areas that will remain undeveloped.

Lot no.	Lot size (sq. ft.)	Shore frontage	Road frontage	Lot width	Lot depth	To remain undeveloped (Y/N)	Shared driveway (Y/N)	NRCS soils development potential rating	Detailed description of lot characteristics (wooded, open field, stream, steep slopes, etc.)

**EXHIBIT F: SOIL SUITABILITY AND MAPPING** Submit a completed on-site soil survey (including a soil map, soil narrative report and a soil profile log description), conducted by a Maine licensed soil scientist according to the "Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping" (Maine Association of Professional Soil Scientists, 2004). Use a Class A high intensity soil survey to identify soils within all subdivision lot building envelopes, driveway locations and other disturbed areas on your project site. Disturbed areas include areas that are stripped, graded, grubbed or otherwise result in soil exposure at any time during the site preparation for, or construction of, a project. Use a Class B soil survey to identify soils elsewhere within the project area.

 In certain cases (for example, if you qualify for Level 2 subdivision review), the LUPC may reduce the soil survey class requirements, or waive certain provisions of a Class A or B high intensity soil survey (for instance, the contour mapping requirement). Before you conduct your soil survey, contact the LUPC office that serves your area for guidance on how to proceed.

With the results of your soil survey, identify the development potential rating for each soil type within your project area using the Natural Resources Conservation Service's soils potential ratings for low density development. If any soils within your project area have a low or very low development potential rating, explain what measures will be used to overcome the limitations that resulted in such a rating.

**EXHIBIT G: WATER SUPPLY** To confirm that sufficient and healthful drinking water exists for your subdivision, submit:


- A letter from a geologist, hydrogeologist or well driller knowledgeable with the area, describing the subdivision area and stating that a sufficient and healthful water supply is likely to be available; or
- A test well dug or drilled on site and a report prepared which indicates the volume and potability of water obtained from the well.


If you plan to install a central water supply, also submit detailed plans for the water supply system in conformance Maine Drinking Water regulations. Such plans must be designed by a Maine Registered Professional Engineer, and must show all water supply locations, wells, support facilities and structures, and pipelines. You must also describe proposed methods for continued maintenance of the system. For details about Maine's drinking water regulations, call the Division of Health Engineering Drinking Water Program at (207) 287-2070 or [www.maine.gov/dhhs/mecdc/environmental-health/water/](http://www.maine.gov/dhhs/mecdc/environmental-health/water/).

**EXHIBIT H: SOLID WASTE DISPOSAL** To confirm that the solid waste facility you propose for use by your development is available and can accommodate the additional wastes anticipated to be generated by your subdivision, submit a letter of authorization from the owner of the solid waste facility which states both availability and acceptability of the facility to accept wastes from your subdivision. Also submit a description of provisions for collection and/or transfer of wastes from individual subdivision lots to the facility (for instance, provisions for weekly collection from each lot by a contracted firm or individual, a central on-site collection area with provisions for weekly transport, responsibility of individual lot owners, etc.) If you have a contract with an individual or firm for the collection and/or transfer of solid wastes from the project area to the approved solid waste facility, provide a copy of such contract.

**EXHIBIT I: NOTICE OF FILING** Within the same week that this application is filed with the LUPC, you must provide by regular mail a completed copy of the attached Notice of Filing Form to the following persons: (1) owners of property abutting or within 1,000 feet of the property to be subdivided; (2) plantation assessors or town selectboard; and (3) county commissioners.

Submit to the LUPC a copy of the written notice that was sent to the above listed persons. Also submit a complete listing of all persons to whom notice was provided (including names and mailing addresses) and the date such notice was provided.

 Names and addresses of abutting property owners are available from town and plantation public officials or, in unorganized townships, from the Maine Revenue Services at (207) 624-5611 or at [www.maine.gov/revenue/](http://www.maine.gov/revenue/).

 The LUPC may require that the applicant publish a completed copy of the notice in the legal ad section of a newspaper circulated in the project area. You are not required to publish the notice unless the LUPC staff notifies you to do so.

**EXHIBIT J: FINANCIAL CAPACITY** To demonstrate that you have adequate financial resources to undertake the proposed subdivision, submit at least one of the following:

- Submit a letter from a financial institution, government agency or other funding source indicating a commitment to provide a specified amount of funds and their specified uses. In cases where there can be no commitment of money until approvals have been received, submit a letter of Intent to Fund from the funding institution indicating the amount of funds and their specified uses.
- Submit the most recent corporate annual report indicating availability of sufficient funds to finance the development, along with explanatory materials to interpret the report.
- If you will personally finance the development, submit copies of bank statements or other similar evidence indicating availability of funds necessary to complete the development, including all proposed improvements, structures and facilities.

**EXHIBIT K: ROADWAY ACCESS** Depending upon the proposed access, provide the following information:

Access via private road: If access to the proposed subdivision lots is provided by use of private roads owned by someone other than the applicant, submit a copy of all easements which demonstrate and provide for perpetual continued access to the subdivision and to each lot within the subdivision. Such easements should indicate any specific conditions or limitation of access (including restrictions to identified seasonal access, requirements for maintenance, maintenance fees, etc.).

Access via public road: If you are proposing to construct a driveway or entrance regarding a state or state-aid road, or if you are proposing to increase traffic volume or potentially create a safety or drainage concern, you must obtain a Driveway/Entrance Permit from the Maine Department of Transportation (MDOT) and submit it with your application. For more information, contact the regional MDOT office that serves your area or go to the Department's website at [www.maine.gov/mdot/](http://www.maine.gov/mdot/). In addition, if a permit is required for new driveways off of County, Town or Plantation roads in your area, you must obtain this permit and submit it with your application. Please contact your County Commissioners' office or Town/Plantation office for information on what is required.

**EXHIBIT L: WASTEWATER DISPOSAL** Depending upon the proposed systems, provide the following information:

- 1) **Individual systems** If you are proposing individual wells and subsurface sewage disposal systems, you must demonstrate that each subdivision lot has sufficient area of soils suitable for the installation of a sewage disposal system in full compliance with the requirements of the Maine State Plumbing Code. Submit a tabulated "Soils Log" for each proposed lot in the format listed below, which includes test pit information for each proposed subsurface sewage disposal system location.

Sewage disposal systems should be located within the proposed building envelope of each lot. This demonstration requires that test pit evaluations be conducted on each individual subdivision lot, and an organized compilation of all test pit investigations submitted. This information must be compiled by a Soil Scientist or Licensed Site Evaluator, and submitted in the log format shown below. The log must be dated and must include the signature and license number of the Soil Scientist or Site Evaluator responsible for the work.

Lot No.	Test Pit	Soil Name	Plumbing Code Soil Profile & Condition	Depth of Pit	Depth to Seasonal Ground Water	Depth to Bedrock	Area of Suitable Soils	Area Required for System Installation	Type of System Anticipated
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- 2) **Central, clustered, or off-site systems** If you are proposing to install a private central or clustered waste water disposal system, or if you are proposing that waste water be collected and treated off-site, submit one of the following:
- If a private central or clustered waste water disposal system is proposed, submit detailed specifications for the system, designed by a Maine Registered Professional Engineer. The design must show locations of the collection and/or treatment systems, and all support facilities, structures and pipelines in relation to proposed subdivision lots and roads. Also submit specific provisions for emergency handling of wastes from the system in the event of a malfunction or breakdown and provide evidence ensuring proper continued operation and maintenance of the system (If such responsibilities are to be assumed by a lot owners association, the bylaws required as part of Exhibit S must include specific provisions for the continued operation and maintenance of the system).
  - If waste water is to be collected and treated off-site by a sewage treatment facility, submit evidence that there is adequate capacity in the facility to ensure satisfactory treatment, that the facility is fully licensed by the Maine Department of Environmental Protection, and that the facility agrees to accept these wastes.

**EXHIBIT M: EROSION AND SEDIMENTATION CONTROL PLAN** If the total area of soil disturbance on your property will be one acre (43,560 square feet) or more, or if soil disturbance will occur when the ground is frozen or saturated, you must submit an erosion and sedimentation control plan that includes the following information:

- A map (drawn to scale) identifying vegetation type and location, slopes, and other natural features such as streams, gullies, berms and drainage ditches on your property.
- A timeline identifying the sequence of construction events on your property, including stripping and clearing; rough grading; construction of utilities, infrastructure, roadways and buildings; and final grading and landscaping. Also identify the expected date on which clearing will begin, the estimated duration of exposure of cleared and disturbed areas, the location of cleared and disturbed areas, the sequence of installation of temporary control measures, and the planned date of establishment of permanent vegetation.
- A detailed description of all temporary and permanent erosion and sedimentation control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quality of mulching for both temporary and permanent vegetative control measures.
- A summary of provisions that will be used for continued maintenance and inspection of erosion and sedimentation control devices or measures, including estimates of the cost of maintenance, plans for meeting maintenance expenses and inspection schedules.

**EXHIBIT N: PHOSPHORUS CONTROL** If your subdivision is within the direct watershed of a lake or pond that is 10 acres or larger in size, you will need to submit a phosphorus impact analysis and control plan using the methods and procedures set forth in the booklet "Stormwater Management for Maine Volume II – Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development" (MDEP, 2008). The booklet is available from the Department of Environmental Protection at (207) 287-3901. This exhibit must include plans for long term maintenance of any proposed phosphorus control measures, including vegetative buffers, infiltration systems and wet ponds.

**EXHIBIT O: ROADWAY AND DRAINAGE DESIGN AND MAINTENANCE** If you are proposing to construct or upgrade any roadways or install any drainage control structures (including bridges, culverts, water crossings, turnouts, sediment basins, drainage ditches, water bars, waterways, etc.), submit a site plan which shows: (1) all subdivision lot lines and identifies the road frontage of each lot; (2) soil types as identified on the soils mapping required for Exhibit F; (3) locations of all proposed roadways (identify each roadway by name and include its width, right of way and travel surface) and turnarounds; and (4) locations of all proposed drainage, erosion and sedimentation control measures. Also submit plans, each to scale, illustrating the following:

- A typical road overhead view showing widths of the travel way, shoulders, and rights of way, and the road center line.
- A typical road cross-section showing the travel surface, location and materials of original ground surface, depth and type of fill to be used, slopes, drainage ditches and other water control devices, and boundaries of the travel surface, shoulders and rights of way.
- A typical road profile showing elevations of the roadway and the original ground surface, and the percent slope of the final roadway from the center line of the entire length of the roadway.
- Detailed plans of all proposed temporary or permanent drainage control structures, including calculations and factors used in determining the sizing of such structures.

If you will dedicate any roadways to a town or plantation, you must also submit documentation from the town or plantation indicating their acceptance of the road and all maintenance responsibilities.

**EXHIBIT P: LIQUIDATION HARVESTING CERTIFICATION** If the timber on your land has been harvested within the past 5 years, you must submit one of the following to demonstrate that the land proposed to be subdivided has not been subject to liquidation harvesting (12 M.R.S.A. Section 685-B(4-A)):

- Submit evidence that your property meets one or more of the following exemptions to the Maine Forest Service liquidation harvesting rule (MFS Chapter 23: Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting):
  - Your property contains less than 20 acres of forest land (meaning that either your property is not primarily covered with trees or commercial timber harvesting is precluded on your property by legal requirement).
  - You own less than 100 acres of forest land statewide.
  - You purchased the property before January 2, 2005.
  - You purchased the property after January 2, 2005, and it has been in your ownership for at least 5 years.
- Submit a statement signed by a Licensed Forester describing in detail how your property or project area either:
  - (a) meets one or more liquidation harvesting rule exemptions not listed above (Section 23.5 of the Maine Forest Service rules); or
  - (b) complies with the liquidation harvesting rule harvest standards (Section 23.6 of the Maine Forest Service rules).

**EXHIBIT Q: CORPORATE GOOD STANDING** If the owner of the proposed development is a corporation, submit, as EXHIBIT Q, a certification of corporate good standing from the Secretary of State, State of Maine. Certification of good standing can be requested at: <https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x> or by contacting the Bureau's Reporting and Information Section at (207) 624-7752.

**EXHIBIT R: SUBDIVISION LOT DEED OR LEASE COVENANTS** Submit a copy of any restrictions, covenants and conditions that will be imposed upon, or rights granted to, persons buying, leasing or otherwise using a part of the subdivision. This exhibit must also include all restrictions and responsibilities imposed, and rights afforded pursuant to a conservation easement or conveyance to a lot owners association of any shared resources or infrastructure, such as common lots, and other areas to remain undeveloped.

**EXHIBIT S: LOT OWNERS ASSOCIATION BYLAWS** If you plan to form a lot owners association for the continued maintenance of roads, common areas, central sewage disposal facilities, central water supply, etc., submit a copy of the association bylaws and responsibilities, including date of creation and requirements for membership in the association. Such bylaws shall clearly indicate the rights, responsibilities, and restrictions regarding all shared resources and infrastructure, including but not limited to allowed uses, allowed or required improvements, maintenance requirements, and the process for assessing and collecting fees or apportioning costs.

**EXHIBIT T: PARKING LANDSCAPING PLAN** If your proposed subdivision has a parking area that is more than one acre in size, you must submit a landscaping plan that indicates planting locations, type and maintenance. The plan must include provisions that all parking areas will have landscaped strips along the perimeter, as well as landscaped islands within the parking area. The plan also must include provisions that expanses of parking areas will be broken up with landscaped islands that include shade trees and shrubs. Contact the LUPC office that serves your area for additional details about the requirements for a landscaping plan.

**EXHIBIT U: ARCHAEOLOGICAL SURVEY** If any portion of your project site includes an archaeologically sensitive area or a structure listed in the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant archaeological site or structure, you must conduct archaeological surveys or submit information on the structure. If such information is needed, the LUPC will contact you during the review of your proposal.

**EXHIBIT V: TRAFFIC IMPACT STUDY** If your proposed subdivision has the potential to generate significant amounts of traffic or if safety or capacity concerns exist in the area, you may be required to conduct a traffic impact study of roadways and intersections in the vicinity of your project site. If such information is needed, the LUPC will contact you during the review of your proposal.

**EXHIBIT W: FLOOD BOUNDARIES AND ELEVATION CERTIFICATE** If you are proposing any development (such as structures, roads, water crossings, trails, etc.) within a mapped Federal Emergency Management Agency (FEMA) floodplain, you must delineate all flood boundaries and (in a riverine floodplain) include floodway data on the required site plans (Exhibit D). You must also submit an Elevation Certificate as part of your application. The certificate must be completed by a licensed land surveyor, engineer or architect who is authorized to certify elevation information. The Elevation Certificate is used to ensure compliance with floodplain management ordinances and to determine flood insurance premium rates for the National Flood Insurance Program.

**EXHIBIT X: ADDITIONAL NOTICE** If you are proposing a subdivision where interests have been sold, prior to this permit application, without a subdivision permit (see Chapter 4 of the Commission's rules, Rules of Practice Section 4.03,4,c). This exhibit must include:

A complete list of those persons having a current interest in any lot in the subdivision; and


Documentary evidence indicating that he/she has provided all persons having a current interest in any lot in the subdivision with notice of the pending application. The notice shall indicate the nature of the application, the criteria against which the application shall be measured, the procedure for review of the application, the possible effects of the application on persons having interests in lots in the subdivision, the opportunity for any such persons to participate in the proceedings before the Commission and any other information which the Director deems appropriate.

**SUPPLEMENT S-3: REQUIREMENTS FOR WETLAND ALTERATIONS** If you answer YES to either part of Question 11 of this application, you must submit this supplement with your LUPC permit application. You may be required to hire a qualified professional to determine whether and what types of wetlands exist within your project area. Contact the LUPC office that serves your area for additional information and to obtain a copy of this supplement.

**SUPPLEMENT S-4: REQUIREMENTS FOR DEVELOPMENT IN FLOOD PRONE AREAS.** If you answer YES to Question 12 of this application, you must submit this supplement with your LUPC permit application. You may be required to hire a qualified land surveyor, architect, or professional engineer to determine the elevation of your property or of a proposed or an existing structure. Contact the LUPC office that serves your area for additional information and to obtain a copy of this supplement or go to [www.maine.gov/dacf/lupc/application\\_forms/index.shtml](http://www.maine.gov/dacf/lupc/application_forms/index.shtml).

Indicate whether your proposed activity will be located within a mapped P-FP (Flood Prone Area Protection) Subdistrict on the LUPC Land Use Guidance Map, a mapped flood zone on a FEMA (Federal Emergency Management Agency) Flood Insurance Rate Map or Flood Hazard Boundary Map, or in an unmapped area prone to flooding. If you are unsure whether your property is in a mapped FEMA flood zone, first check whether your property is in one of these listed townships.

- Aroostook**    Benedicta Twp, Cary Plt, Connor Twp, Cross Lake Twp (T17 R5 WELS), Cyr Plt, Garfield Plt, Hamlin, Macwahoc Plt, St John Plt, Silver Ridge Twp, Sinclair Twp (T17 R4 WELS), Winterville Plt.
- Franklin**    Dallas Plt, Freeman Twp, Madrid Twp.
- Hancock**    T8 SD BPP (Fletcher's Landing).
- Kennebec**    Unity Twp.
- Knox**        Andrews Island.
- Lincoln**    Bar Island, Haddock Island, Indian Island, Jones Garden, Killick Stone, Louds Island, Marsh Island, Ross Island, Thief Island, Western Egg Rock, Wreck Island.
- Oxford**      Milton Twp.
- Penobscot**   Argyle Twp, Carroll Plt, Greenfield Twp, Kingman Twp, Mount Chase, Prentiss Twp.
- Piscataquis**   Orneville Twp.
- Somerset**    Concord Twp, Pleasant Ridge Plt, Rockwood Strip Twp.
- Washington**   Baring, Brookton Twp, Edmunds Twp, Grand Lake Stream Plt, Lambert Lake Twp, Trescott Twp.

 *If you answer YES to Question 12, you must complete **Supplement S-4: Development in Flood Prone Areas**. Contact your Regional Office or download at [www.maine.gov/dacf/lupc/application\\_forms/index.shtml](http://www.maine.gov/dacf/lupc/application_forms/index.shtml).*

**THIS APPLICATION IS NOT A PERMIT!**

**NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT SIGNED BY THE LUPC.**

**THE COMMISSION MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.**



**NOTICE OF FILING OF SUBDIVISION PERMIT APPLICATION  
WITH THE MAINE LAND USE PLANNING COMMISSION**

At the time a subdivision permit application is filed with the Maine Land Use Planning Commission, the applicant must send by regular mail a completed copy of this notice to: all persons owning or leasing property abutting or within 1,000 feet of the property; plantation assessors or town selectboard; and county commissioners.

This is to notify you that \_\_\_\_\_  
(name and address of applicant)

has filed an application for a Subdivision Permit with the Maine Land Use Planning Commission, pursuant to provisions of 12 M.R.S.A. Section 685-B, to \_\_\_\_\_

\_\_\_\_\_ (general description of proposed use)

located in \_\_\_\_\_  
(name of town, township or plantation, and county)

The application will be filed for public inspection at the Maine Land Use Planning Commission office circled below (*circle the appropriate office*) on \_\_\_\_\_  
(specify the date that this application will be filed with the LUPC).

<u><b>AUGUSTA OFFICE</b></u>	<u><b>ASHLAND OFFICE</b></u>
18 Elkins Lane - Harlow Bldg.                      Tel. (207) 287-2631 22 State House Station                              FAX (207) 287-7439 Augusta, ME 04333-0022	<i>Serving most of Aroostook County, and portions of northern Penobscot and Piscataquis Counties</i> 45 Radar Road    Tel. (207) 435-7963 Ashland, ME 04732-3600                                      FAX (207) 435-7184
<u><b>BANGOR OFFICE</b></u>	<u><b>EAST MILLINOCKET OFFICE</b></u>
<i>Serving Hancock, Kennebec, Knox, Lincoln, Sagadahoc, and Waldo Counties; most of Washington County; and all coastal islands in the LUPC service area</i> 106 Hogan Rd, Suite 8                                      Tel. (207) 941-4052 Bangor, ME 04401    FAX (207) 941-4222	<i>Serving southern Penobscot and Aroostook Counties, and portions of Piscataquis and northern Washington Counties</i> 191 Main Street    Tel. (207) 746-2244 East Millinocket, ME 04430                                      Tel. (207) 731-4405 FAX (207) 746-2243
<u><b>GREENVILLE OFFICE</b></u>	<u><b>WEST FARMINGTON OFFICE</b></u>
<i>Serving Somerset County and most of Piscataquis County</i> 43 Lakeview Street                                      Tel. (207) 695-2466 P.O. Box 1107    FAX (207) 695-2380 Greenville, ME 04441	<i>Serving Franklin and Oxford Counties</i> 133 Fyfe Rd    Tel. (207) 670-7492 OX P.O. Box 307    Tel. (207) 670-7493 FR West Farmington, ME 04992

Written comments from interested persons should be sent to the Maine Land Use Planning Commission address circled above and **must be received by the Commission in a timely manner.**

Requests for a public hearing must be submitted in writing and **must be received by the Commission in a timely manner.** Requests for a public hearing must clearly state the reasons for why a public hearing is warranted on this project.

For information on how to request a public hearing or for additional information, contact the Maine Land Use Planning Commission staff at the office circled above.



# LUPC SUBDIVISION RULE REVIEW

## **TECHNICAL ISSUES: APPLICATION PROCESS**

### Worksheet

1. Should pre-application meetings be required for subdivision projects?
  
2. If pre-application meetings are required, are there certain types or sizes of subdivision projects for which the requirement should be waived? What type or size projects should be included in a waiver?
  
3. The LUPC currently requests submission of a location map, a project description, and a copy of the Land Use Guidance Map in advance of a pre-application meeting. What type of additional information should be requested in advance of a pre-application meeting?
  
4. What changes should the LUPC consider making in the type of information currently required in the Application for Subdivision Permit for all projects?
  
5. Which submissions currently required in the Application should the Commission waive for smaller subdivisions?
  
6. What information, if any, should be requested for subdivision projects that is not currently required by the LUPC?