SUBDIVISION REGULATIONS
Town of Sullivan;, Maine
Adopted June 8, 1971
Amended March 14, 1977
Amended June 26, 1995
Amended June 28, 2004
Amended June 29, 2009
Amended June 26, 2017 Major Revision

**Section 1, Authority** This ordinance is adopted pursuant to the provisions of, Title 30-A of the Revised Statutes of Maine (M.R.S.A.) Part 2: Municipalities, Subpart 6-A: Planning and land use Regulation, Chapter 187 Planning and Land Use Regulations, Subchapter 4: SUBDIVISION as may be amended. Unless otherwise defined, all state minimum standards shall apply.

**Section 2. Title** This ordinance shall be known and cited as "Subdivision Regulations of the Town of Sullivan, Maine

**Section 3. Purpose** The purpose of this ordinance shall be to promote the general health and welfare of the Town of Sullivan; to assure, in general, the wise development of areas in harmony with the community; to assure proper arrangement and coordination of streets; to assure provision of adequate streets and utilities by the subdivider, to prevent unsound and unsafe development of land by reason of the flack of water supply, drainage, sewage disposal, transportation or other public services and to promote the amenities of the town through provisions for parks, playgrounds, and other recreation areas, preservation of trees and natural features in the Town of Sullivan.

**Section 4. Definitions:** As used in this (

1. **Dwelling unit.** "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

2. **Subdivision** (4401) All this section in red is new language to be amended June 26, 2017 Defined. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, building or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

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

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

[2] The division of the tract or parcel is otherwise exempt under this subchapter.

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

C. A lot of 40 or more acres must be counted as a lot, except:

[2] When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 acres or more acres as lots for the purpose of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

D-1 A division accomplished by devise does not create a lot or lots for the purpose of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-2 A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-3 A division accomplished by order of court does not create a lot or lots for the purpose of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-4 A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than ½ the assessed value of the real estate.

D-5 A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6 A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the

transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection Regarding the determination of the number of lots apply, including exemptions form the definition of a subdivision of land.

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to Subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

H. Repealed

H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

[1] Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or

[2] Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 20, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

J. New structure or structures. "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.

K. Tract or parcel of land. "Tract or parcel of land" means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

L. **Outstanding river segments.** In accordance with Title 12, Ssection 402, "outstanding river segments" means: NO outstanding river segments in or around the Town of Sullivan. Does not apply.

3. **LOT:** A lot as defined by the Ordinance shall mean a piece or parcel of land whose area is not less than 40,000 square feet, a builder's acre, so called. (Effective June 13, 1988)

4. **STREET:** public and private ways such as alleys, avenues, boulevards, highways, roads and other right-of-ways, as well as areas on subdivision plans designated as right-of-way.

**Street Classification:**

a. Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. For example the following roadways shall be considered arterial streets. US Route 1, Route 183 " Tunk Lake Road", Route 200 "Bert Gray Road", North Sullivan Road, ie "Taunton Drive"

b. Collector Street: A street servicing at least fifteen (15) lots or fifteen (15) dwelling units, or streets which serve as feeder to arterial streets, and collectors of traffic from minor streets.

c. Minor Street: A street servicing less than fifteen (15) lots or fifteen (15) dwelling units.

d. Private Right-of-way. A vehicular access way serving no more than five (5) lots or five (5) dwelling units, which is not intended to be dedicated as a public way.

e. Reserve (ed) Strip: Shall mean and include any area for which public use is intended for street connection or for pedestrian ways.

f. Re-Subdivision: Shall mean the division of an existing subdivison or any change of lot size therein or the relocation of any street or lot line in as subdivision.

**Section 5. Jurisdiction:**

1. This ordinance shall pertain to all land within the boundaries of the Town of Sullivan.

2. This ordinance shall be in effect from the time of its adoption by the vote of a majority of the members present at a Town Meeting.

3. In the case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance, regulation, coed or covenant in effect in the Town of Sullivan, the provision which imposes the higher standard or the more restrictive shall apply.

4. The invalidity of any section, sub-section, paragraph, sentence, clause, phrase or work of this ordinance shall not be held to invalidate any other section, sub-section, paragraph, sentence, clause, phrase or word of this ordinance.

**Section 6. Administrative Regulations;**

1. The Planning Board of the Town of Sullivan, hereinafter called the Board, shall administer this ordinance.

2. Whenever any subdivision is proposed or before any contract for the sale of or offer to sell such subdivision or any part thereof shall have been negotiated and before any permit for the erection of a structure shall be granted, the subdividing owner or his agent shall apply in writing to the Board for approval of such subdivision.

3. **No Transfer** of ownership shall be made of any land in a proposed subdivision until a **Final Plan** of such subdivision has been approved by the Board nor until a duly approved copy of such **Final Plan** has been filed with the Town Clerk.

4. Where strict conformity of the Subdivision Regulation would cause undue hardship or Injustice to the owner of land and a subdivision plan is substantially in conformity with the requirements of this ordinance, the Board may consider waiver of some aspects of this ordinance provided that the spirit of the regulations and public convenience, health, and welfare will not be adversely affected.

5. The Register of Deeds shall not record any plot of a proposed subdivision until it has been approved by the Board and approval is attested by the signatures of a majority of the members of the Board on the Original Tracing of the Final Plan of such subdivision.

**Section 7. Penalties:**

Any person who conveys or agrees to convey and land by reference to a plot which has not been approved as required by this ordinance and recorded by the proper Register of Deeds, shall be punished by a fine of nor more than $1,000 for each lot conveyed or agreed to be conveyed, except than nothing herein contained shall be deemed to bar any legal or equitable action to restrain or enjoin any act in violations of these regulations.

**Section 8. Preliminary Plan:**

1. A tentative request for approval of a subdivision shall be accompanied by a Preliminary Plan, not more than 24" x 30" maximum, which shall show existing streets and boundary lines and shall be at a scale of not less than 100 feet to the inch (100'/"). Except that any supplementary maps showing the relationship of the parcel of land to be subdivided to other properties and roads may be at a scale of not more than 500 feet to the inch (500'/"). If, in the opinion of the Board, a topographic map is necessary for determining the most suitable layout of the tract to be subdivided such a topographic map may be required by the Board.

2. An application for approval of a **Preliminary Plan** shall be considered at a regular meeting of the Board within **30** days of receipt of such application. The Board shall after such consideration and within **30** days of receipt of an application and **Preliminary Plan**, issue a written statement informing the subdivider or his agent or approval, disapproval or conditional approval and of any changes required and the character and extent of required public improvements.

3. Within not more than 12 months after issuance of such Preliminary approval, the subdivider or his agent shall submit a **Final Plan** and street profiles. Such plans shall meet the **911 Ordinance** requirements of **Section 7., subsection b.** New Construction. Any prospective subdivider shall a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the **911 Addressing Officer** shall constitute the assignment of road names and numbers to the lots, in the subdivision. On the Final Plan showing proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets every **50** (fifty) feet to aid in assignment of number(s) to structures subsequently constructed. ( Amended June 28, 2004)

**Section 9. Final Plan**

1. A request for final approval of a subdivision shall be accompanied by a Final Plan of such subdivision legibly and clearly drawn in ink at a scale of not less than **(100)** one hundred feet to the inch **(100'/")** on stable base translucent material suitable for reproduction and three dark line copies. Size of sheets shall not measure more than **24" by 30".**
   **A Final Plan shall show:**

   **A.** The name of the subdivision, location and boundaries of the land to be subdivided, scale, north arrow, name and address of the recorded owner, subdivider and designer.

   **B.** Street lines, lot lines and reservations for public purposes including Public utilities and drainage easements.

   **C.** All dimensions in feet and decimals of feet.

   **D.** Lot numbers and lot letters in accordance with prevailing policy on existing tax maps.

   **E.** Prominent reference monuments on all street corners and angles and street lines wherever, in the opinion of the Board such monuments are necessary to properly determine the location on the ground.

   **F.** Designation of the location, size, planting and landscaping of such parks, esplanades and open spaces as are required by the Board.

   **G.** The seal of a licensed designer or certification by a land surveyor attesting that such Final Plan is substantially correct.

2. A Final Plan shall be accompanied by certification either by a duly authorized

Engineer or by the Building Inspector of the Town of Sullivan or by both, as required by the Board, that the design of sewer and water facilities and streets and utilities in the proposed subdivision conform to the requirements of this ordinance. The cost of Inspection shall be borne by the developer or subdivider.

3. The subdivider shall file with the Board at the time of submission of the Final Plan a bond in an amount sufficient to cover the cost of the construction of streets, approved as to form and surety by the Sullivan Town Attorney, and conditioned upon the completion of such streets within two years of the date of such bond.

The Board may at its discretion waive the requirement to post bond and grant conditional approval providing that no lots shall be sold until specified streets together with the necessary sanitary improvements are satisfactorily constructed within **(3)** three years of the date of such conditional approval. A release of conditions shall be executed and delivered to the subdivider following satisfactory completion of the specified streets and other required improvements.

4. The Board shall consider a Final Plan at a regular meeting within thirty **(30)** days of submission of such Final Plan.

5. The Board may before final approval or disapproval of a Final Plan hold a public hearing on such a plan.

6. The approval of a Final Plan shall be attested on the original tracing and three **(3)** copies by the signature of a majority of the members of the Board.

7. Failure of the Board to issue approval or conditional approval within thirty **(30)** days constitutes disapproval.

8. The original tracing of a Final Plan as amended shall be retained by the Board, two (2) copies shall be delivered to the subdivider and one (1) copy shall be delivered to the County Registry of Deeds.

9. If the Board shall have approved the Preliminary Plan of the entire area of subdivision, the developer may improve the streets in a portion of the subdivision and the Board may approve only that portion so improved as shown on the Final Plan.

10. **Fee.** A fee of **$25.00** plus **$10.00** per acre, payable to the Town of Sullivan, or fraction thereof over **2 ½** acres shall be submitted with the Final Plan.

**Section 10. General Regulations.**

1. Any proposed subdivision shall in the opinion of the Board be suitably located with respect of community facilities such as schools, playgrounds, and parks.

2. Land susceptible to flooding, and land not suitable for housing or street development, and land which may be hazardous to life, health, or property shall not be accepted as part of a subdivision

for residential purposes but may be used, with the approval of the Board, for playgrounds, parks or other-space purposes.

3. Any subdivision shall be so designed that every lot has access to the public street system at a point where access is permissible.

4. Any natural drainage ways and their easements shall be so incorporated that no flooding occurs and all storm water can properly be disposed of.

5. The Planning Board may require that a proposed subdivision layout show respect for such natural features as trees, streams, water courses and scenic assets. Extensive land grading and filling shall be avoided if possible.

6. Street trees, esplanades and open green spaces may be required at the discretion of the Board and when such improvements are required they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.

**Section 11. Streets:**

**1. All streets in any subdivision shall meet minimum standards as follows:**

| **Description** | **Arterial** | **Collector** | **Minor** | **Private Right of Way** | **Industrial Commercial** |
|---|---|---|---|---|---|
| Minimum Right of Way Width* | 80' | 50' | 50' | 50' | 60' |
| Minimum Pavement Width* | 35' | 24' | 20' | 18' | 30' |
| Minimum Graded Width | 30' | 18' | 14' | 10' | 30' |
| Sidewalk Width | 5' | 5' | 5' | n/a | 8' |
| Roadway Crown | ¼-ft | ¼-ft | ¼-ft | ¼-ft | ¼-ft |
| Minimum angle of street Intersection** | 90 deg | 90 deg | 75 deg | 75 deg | 75 deg |
| Maximum grade with 75 ft of intersection | 10% | 10% | 10% | 10% | 10% |
| Minimum slope of shoulders | 3 to 1 | 3 to 1 | 3 to 1 | 3 to 1 | 3 to 1 |
| Minimum Width of shoulders (each side) | 5' | 3' | 3' | 3' | 3' |
| Minimum gravel base | 18" | 15" | 12" | 12" | 18" |
| Minimum 1" minus surface gravel | 3" | 3" | 2" | n/a | 3" |
| Bituminous paving/base course | 2" | 1 ½" | 1 ½" | n/a | 2" |
| Bituminous paving/surface course | 1" | 1" | 1" | n/a | 1" |

*The Centerline of the roadway shall be the centerline of the right-of-way.
**Street intersections angle shall be as close to 90 degrees as feasible but not less than the listed angle.

1. New streets shall be so laid out as to accommodate the continuation of the principal streets in adjoining subdivision or for their proper protection when adjoining property is not subdivided.

2. Dead-end streets shall not exceed one thousand **(1000)** feet in length and shall be equipped at the closed end with a turn-around roadway of which the minimum radius for the right-of-way shall not be less than fifty **(50)** feet.

3, Street intersections and curve shall be so designed as to permit adequate visibility for both pedestrians and vehicle traffic. Curves in general shall have a minimum radius of one hundred **(100)** feet and no interchange shall be acceptable at less than 60 degrees. Property lines on corners shall reserve a twenty **(20)** foot curve radius.

4. Whenever the Board finds need for the reservation of one or more right-of-way or one or more reserve strips such reservations shall be made before final approval of a subdivision plan.

5. No street shall be recommended for acceptance until it has been properly graded and approved by the Board in accordance with this ordinance.

6. **Bridges must be able to support a minimum of fifteen (15) tons.**

## Section 12. Amendment.

On petition, or on recommendation of the Town Planning Board, or on their own motion, the Selectmen may present warrants for consideration of the Town to amend the regulations and provisions of this ordinance at a regular or special town meeting. A majority vote of the legal voters present is required.