

CHAPTER 23
Auburn Subdivision Ordinance

Revised March, 1981

WHEN SUBDIVISION REVIEW IS REQUIRED

Assume that all subdivisions take place within a 5-year time span.

Less Than
20 acres

Local *
Level

State **
Level

1		
	2	3

YES

NO

1	2	3	4
5	6	7	8
9	10	11	12

YES

NO

<input type="checkbox"/> single-family home retained by sub-divider for less than 5 years.			1
	2	3	

YES

NO

<input type="checkbox"/> home used by subdivider for 5 years prior to sale of lot 5.			1
	1	2	

NO

NO

GIFTS

to abutting neighbor	to son	to uncle
<input type="checkbox"/> retained for 5 yrs.	1	2

NO

NO

A	B
1	2 lot #2 sold to B

NO

NO

A	B	C
1	2	3

YES

NO

More Than
20 acres

Local
Level

State
Level

(exempt as a lot if more than 40 acres)			1
	2	3	

YES

NO

<input type="checkbox"/> retained for 5 yrs. prior to lot sales.			
1	2	3	4

YES

NO

to son	to daughter		
<input type="checkbox"/> retained for 5 yrs. prior to lot sales.	to abutter		
	1	2	3
	4	5	6

YES

NO

All 10 acres or more.

1	2	3	4
5	6	7	8
9	10	11	12

YES

NO

At least one lot less than 10 acres.

1	2	3	4	5
6	7	8	9	
10	11	12	13	

YES

YES

At least one lot less than 10 acres.

1				
2	3	4	5	

YES

YES

WHEN SUBDIVISION REVIEW IS REQUIRED

Definition of Subdivision Under the Subdivision Law for the Purpose of Local Review

Definition: A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise.

Exceptions: A lot created by:

1. Inheritance
2. Condemnation
3. Order of a court
4. Gift to a person related to the donor by blood, marriage, or adoption, unless the intent of such gift is to avoid the objectives of the Subdivision Law.
5. Transfer of an interest in land to an abutting landowner, however accomplished.
6. Land retained by the subdivider for his own use as a single family residence for a period of at least 5 years prior to the second dividing of a parcel.
7. Lots of 40 or more acres.

Definition of Subdivision Under the Site Selection Act for the Purpose of State Review

Definition: A division of a parcel of land into 5 or more lots, any one of which is less than 10 acres in size, and which make up more than 20 acres total, and are to be offered for sale or lease to the general public within any 5 year period.

These are not subdivisions under the Site Selection Act:

1. A division into fewer than 5 lots.
2. A division where all the lots are over 10 acres in size.
3. A division which is less than 20 acres in size in total.

CITY OF AUBURN

Chapter 23

Subdivision Regulations

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Effective October 6, 1958
Council Records Vol. 18, Page 30

CHAPTER 23 - SUBDIVISION REGULATIONS

ARTICLE 1 - SUBDIVISION AND SUBDIVISION STREETS

****Section 100** Purpose

It is the purpose of this Ordinance to promote the health, safety, convenience and general welfare of the inhabitants of the City of Auburn by regulating the laying out of lots and the construction of ways in subdivisions; to ensure sanitary conditions and adequate open space; to ensure the provisions of adequate access to all of the lots in a subdivision; to lessen congestion; to reduce danger to life and limb; to require adequate provision for water, sewerage, drainage, and other municipal services where possible; and to ensure the orderly development of land and the proper utilization of natural resources.

***Section 101** Subdivision Defined

A subdivision is hereby defined as a tract or parcel of land which has been divided into three or more lots within any five year period, whether accomplished by sale, lease, development, building or otherwise, except when the division is accomplished by inheritance, order of court, or gift to a relative, unless the intent of such gift is to avoid the objectives of this section. For the purposes of this section, a lot shall not include a transfer of an interest in land to an abutting landowner, however, accomplished. In determining whether a parcel of land has been divided into three or more lots, land retained by the subdivider for his own use as a single family residence for a period of at least five years shall not be included. No sale or lease of any lot or parcel shall be considered as being a part of a subdivision if such a lot or parcel is forty acres or more in size, except where the intent of such sale or lease is to avoid the objectives of this section.

***For purposes of this chapter, a subdivision shall not include a division of lots pursuant to an urban renewal plan or to a plan made by the City of Auburn in the exercise of the powers given by state law to execute community development projects. Such plans shall nevertheless comply with any applicable state laws or guidelines regulating the approval of subdivisions.

Section 102 Approval of Subdivision Plans by Planning Board Required

No plan of a division of land within Auburn municipal boundaries which would constitute a subdivision as above defined, shall be hereafter filed or recorded in the Androscoggin Registry of Deeds until a Final Plan thereof shall have been approved by the Auburn City Planning Board, in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in this ordinance, nor until such approval shall have been entered on such Final Plan by the Planning Board. As to the

intended division of land within Auburn municipal boundaries which would constitute a subdivision as above defined, there shall be prepared and submitted by the subdivider to the Planning Board both a Preliminary Plan, for study and modification if necessary, and a Final Plan. No such Final Plan shall be prepared until the subdivider has received from the Planning Board written notice of a vote of a majority of the Board approving a Preliminary Plan of such subdivision. Approval of a Preliminary Plan and accompanying preliminary data shall expire one year from the date of such vote. The Final Plan of a subdivision is hereby required to be prepared, submitted, reviewed, approved, attested and recorded in the Androscoggin Registry of Deeds by the subdivider within said period of approval.

102.4 If within the one year duration of approval of a Preliminary Plan the Final Plan of such subdivision has not been prepared, reviewed, approved and recorded, the subdivider, before proceeding further, shall apply anew for approval of a Preliminary Plan in accordance with the then applicable subdivision plan requirements, and the subdivider shall await Planning Board approval of such Preliminary Plan before preparing a Final Plan in accordance with the then applicable requirements.

102.5 No utility installations, no ditching, grading or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the land or lots within a subdivision until a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in this ordinance, nor until an attested copy of a Final Plan so approved and so endorsed has been duly recorded by the subdivider in the Androscoggin County Registry of Deeds.

102.6 The Planning Board may waive or alter all or any part of the provisions of sections 103.3(i), 104.2, and/or 105.5 of this ordinance in connection with subdivisions of seasonal residential property with water frontage on a great pond provided that the required roads shall be plainly marked "Private Way" and shall not be offered to the City for acceptance as public ways until there has been full compliance with the complete subdivision ordinance.

Section 103 Preliminary Plans

103.1 In order for any such Preliminary Plan and information to be considered by the Planning Board at a regular monthly meeting, such Plan and information must be placed in the hands of the City Planner not less than ten (10) days prior to such Planning Board meeting.

At the same time, a fee in the amount of \$50 for a subdivision plan containing five lots or less or in the amount of \$10 per lot with respect to preliminary subdivision plans containing six lots or more shall be paid to the City of Auburn.

103.2 The Preliminary Plan may be drawn either in black india ink or with pencil on some transparent medium yielding readily readable dark line prints, on sheets not larger than 24" X 30" each. Where a proposed subdivision covers more than one sheet, there shall also be drawn an index diagram of sheets. Preliminary plans shall be drawn to a scale of not more than 100 feet to the inch, except that index plans, plans of land of the same owner adjoining the subdivision area, and diagrams showing the location of nearest available public sanitary sewers or water mains, may be drawn to a scale of not more than 500 feet to the inch.

103.3 The Preliminary Plan shall contain the following information:

(a) Name or title of the subdivision proposed; north point, date and graphic scale; the boundaries of the area for which subdivision approval is sought, also the boundaries of any additional adjoining land of the same subdivider; the existing zoning of the area proposed to be subdivided, and a statement or a diagram of conformance with or difference from the City Plan, if any, for such area.

* (b) The name and address of the subdivider; also the seal of the Registered Land Surveyor (as required by State Statutes Title 32, Chapter 24) and his business address or affiliated consulting firm, and of all owners of record of land within the area proposed to be subdivided.

(c) The names and addresses of the owners of all abutting lands, as they appear in the most recent tax records.

(d) The location, name, width, approximate profile, and approximate radius of curvation of the center lines of proposed and existing streets, alleys, highways, ways and easements in, on, serving or adjoining the land proposed to be subdivided, also the location, profile, cross-section and kind of storm drainage works existing and proposed for such subdivision.

(e) The location of all existing natural and man-made features within or adjacent to and significantly affecting the layout of the area proposed to be subdivided, such as water bodies, streams and swamps, wooded areas, railroads, major highways, ditches, utility easements, buildings, etc.

Section 103.3

(f) The location and dimensions or capacity of the nearest available public sanitary sewers, water mains, and local electric distribution lines, existing or proposed, relating to the subdivision.

(g) The location, size, invert elevation and slope of sanitary sewers proposed within the subdivision, together with a written statement of preliminary approval by the Sewer District Engineer, or a description and plan of capacity and location of other means of sewage disposal, with evidence of soil suitability for such disposal, similarly approved by the City Engineer *.

(h) The approximate lines and dimensions of lots and approximate radii of curved property lines.

(i) In each subdivision proposed to cover more than two acres the subdivider shall furnish a topographic map of all parts of such subdivision where the slope of the existing ground surface is 5% or more, or where it is less than 1%. Such topographic map shall show contours at intervals of five feet elevation or at such lesser interval as the Planning Board may prescribe.

(j) The proposed names of proposed streets shall be shown in pencil until such names shall have been approved by the Planning Board; the subdivider may consult the index of names of existing streets on file with the Planning Board. No duplicate names or names closely similar to existing street names shall be permitted (e.g., if "Mill Street" be an existing street name, there shall not be permitted Mill Place, Mill Terrace, or Mill Avenue.)

(k) Preliminary profiles and cross-sections of streets, storm drains and sanitary sewer existing or proposed shall be drawn at scales suitably related to the preliminary plans required.

(l) Each sheet, drawing and print of a preliminary plan submission shall be plainly marked PRELIMINARY in letters not less than one-half inch high, prominently placed in the top right-hand portion of each data sheet or letter sheet, and on each drawing not farther than two inches away from the topical title of such drawing.

* Amended 5-17-76

103.4 Three prints (preferably dark line on white ground) of any such Preliminary Plan, showing or accompanied by all the information above required, shall be submitted to the City Planning Board as provided in subsection 103.1, together with three copies of a letter signed by the record owner of the land proposed to be subdivided, assenting to such subdivision.

103.5 Written notice of the date of submission of such preliminary plan and preliminary information shall be given by the subdivider by delivering or sending by certified mail to the City Clerk a copy of a covering letter to the Planning Board from the subdivider listing the plans and information transmitted to the Board.

Section 104. City Planning Board Approval

104.1 Preliminary Plan submissions containing all the information required shall be initially considered by the City Planning Board as soon as may be, following receipt of such preliminary plan. Information deficiencies in any preliminary plan submission must be completed before such plan can be considered by the Planning Board.

104.2

(a) Preliminary plans submitted will be reviewed by the Planning Board in relation to the city plans for the area, the zoning requirements, good land development practice, and sound engineering, as well as conformance with the design standards and construction specifications set forth in Articles 4 and 5 of this ordinance.

(b) After so reviewing and examining a preliminary plan and accompanying preliminary information, the Planning Board or the City Planner may invite the subdivider to consider making changes.

(c) In addition, the Planning Board may cause to be undertaken by the subdivider or by the City Planner or others any studies it deems necessary or desirable to protect and assure the health, safety, and welfare of the inhabitants of Auburn, including the future economics of such subdivision, whether residential, commercial or industrial.

104.3

(a) After such Planning Board review and examination, including any other studies, and after any changes by the subdivider, the Planning Board shall consider and by vote of a majority of the Board, approve, modify or disapprove such preliminary map and preliminary information.

104.3

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

Section 105. Final Plan of a Subdivision

105.1 Only after receipt by the subdivider of written notice of approval of the preliminary map and preliminary information submitted, including amendments, if any, may the subdivider proceed with his final plan and other final drawings of the subdivision proposed, fulfilling any alterations required or any other conditions stated by the City Planning Board.

105.2 The Final Plan diagram of a subdivision having such preliminary approval shall be drawn in ink on cloth, on sheets generally not larger than 24" X 30" in size. Where such a subdivision covers more than one sheet, there shall also be drawn in ink on cloth an Index Sheet. Such Final Plan shall contain all the information required for a Preliminary Plan, and the following.

(a) Existing and finally proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision.

(b) Sufficient data to determine the location, direction, and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.

(c) Profiles of the exterior lines of proposed streets, on sheets separate from the plan diagram, at a horizontal scale of one inch equals forty feet and a vertical scale of one inch equals four feet, with all elevations referred to U. S. G. S. datum.

(d) Location of all permanent monuments properly identified as to whether existing or proposed.

(e) Suitable space to record on the plan final approval by the Planning Board, with conditions if any, also the date of such approval.

105.3 In addition to the foregoing, each subdivision final plan shall be accompanied by the following certificate in writing.

(a) Statement by the Water District Trustees (must be signed in the name of the Trustees, even though by an agent) of the conditions on which the Water District

will supply water to the subdivider, also a statement by the Water District Engineer approving the diameters, lengths, and locations of water mains proposed within the subdivision, and approving the kind, size and location of valves and hydrants proposed within the subdivision.

(b) If connection to City of Auburn sanitary sewers be proposed, statement by the Sewer Districts Trustees (must be signed in the name of the Trustees, even though by an agent) of the conditions on which the Sewer District will sewer the subdivision, also a statement by the Sewer District Engineer approving the diameter, location, slope and invert elevations of the sanitary sewers proposed within the subdivision.

(c) If city sewerage be not proposed, approval by the Plumbing Inspector * of the City of Auburn of the means of sewage disposal proposed for the subdivision, and approval of the soil structure in the disposal locus proposed by the City Engineer *.

(d) Approval by the Fire Chief of the number, location and size of fire hydrants proposed.

105.4

A fee of \$50 shall be paid to the City of Auburn at the time that a final plan of any subdivision is submitted to the Planning Board.

105.5 As a condition precedent to Final Approval of any subdivision, performance guaranty, either (a) or (b) as specified below, shall be submitted with the Final Plan and accompanying information:

(a) With his final plan the subdivider shall tender either a certified check payable to the City of Auburn or a faithful performance bond running to the City of Auburn and issued by a surety company acceptable to the City Manager

in an amount of money to be determined by the City Manager with the advice of the various city departments and agencies concerned to be equal to the total of the costs of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities specified in paragraphs 105.2 and 105.3 above, conditioned on the completion of all such grading, paving, storm drainage, water main, fire hydrant, sewer and street installations within one year from the date of such check or bond.

Before voting to release such check or bond, the City Council shall determine to its satisfaction, in part by a written certification signed by the City Manager and by the Planning Board Chairman, that there have been submitted to them by the subdivider or his agent, written statements signed by:

the City Engineer, stating that the streets and storm drainage have been constructed and completed in conformance with the Final Plan diagram and all applicable requirements;

the Water District Engineer, for the Trustees, stating that the water mains and hydrants have been installed and are in place in conformance with the Final Plan diagram and all applicable requirements;

The Superintendent of the Auburn Sewerage District * and a majority of his trustees (or, where no sewers, the Health Officer), stating that the sewerage or means of waste disposal have been constructed and are in place in conformance with the Final Plan diagram and all applicable requirements;

** A Registered Land Surveyor (as required by State Statutes, Chapter 24, Title 32) paid for by the subdivider, that all permanent bounds or monuments on street lines (and on lot lines, if any) have been installed and are accurately in place in the locations designated on the Final Plan.

(b) In lieu of the certified check or performance bond above required, the subdivider may tender a properly executed Conditional Approval Agreement with the City of Auburn (to be signed by the City Manager and the Planning Board Chairman at their discretion), which shall provide

* Amended 5-17-76

** Revised June 2, 1969

that the Planning Board may approve the Final Plan of a subdivision on condition to be endorsed in writing on such plan that no lot in such subdivision may be sold and that no permit for any building other than a tool shed or a field office shall be issued by the Building Inspector for any building on any lot on any street in such subdivision until, as to all or any part of such street (s) or lots, it shall have been stated in writing to the City Manager and to the Planning Board Chairman in the manner set forth in (a) above, that all the street and utility improvements required have been installed and completed fully in accordance with all applicable provisions and with the Final Plan, nor until a Release of Restrictions, covering the lots and streets or portions of streets involved, has been signed by the City Manager and the Planning Board Chairman, and a copy of such Release so signed has been recorded with the Andros-coggin County Register of Deeds.

105.6 Final approval of a Subdivision Final Plan by the Planning Board may be voted in accordance with the following procedure:

(a) Three prints and the cloth master of each diagram sheet of a Final Plan, with three prints of each page of all accompanying information, certificates, fee and performance guaranty as above required, shall be submitted by the subdivider or his agent to the City Planning Board not less than ten (10) days prior to a regular monthly meeting of the City Planning Board. Any lack of required information or other deficiencies must be completed before such Final Plan can be reviewed by the Planning Board.

(b) Written notice of the date of submission of such Final Plan and accompanying information shall be given by the subdivider by delivering or sending by certified mail to the City Clerk a copy of a covering letter by the subdivider to the Planning Board, listing the sheets of plans and of information submitted to the Board for review.

(c) The Planning Board shall review each Final Plan and accompanying information. If, after review, the Planning Board by vote shall find and determine that such Plan and information conform with the City Plans and with applicable zoning and the requirements of this ordinance, the Planning Board shall hold a public hearing on such Final Plan. Not less than five (5) days notice of such hearing shall be given by publication in a newspaper having general circulation in Auburn, and by

mailing by certified mail reprints of such newspaper notice to the subdivider, the Water District, the Fire Department, the City Engineer, the Sewer District, the School Department and to each of the owners of land abutting such subdivision, by their names and addresses, as appearing in the most recent tax list.

(d) The Planning Board after such public hearing may require the subdivider to incorporate in the Final Plan such changes as they deem advisable; and when such changes have been made the Planning Board may vote Final Approval of such Final Plan. Notice of the date and substance of such vote shall be entered on the cloth-master drawing of such Final Map, if one sheet, or on the sheet containing the index map, if more than one sheet; on the cloth masters of any subsequent sheets there shall be entered a reference to the notice on the index sheet. The cloth master drawings, so endorsed, shall be returned to the subdivider.

(e) Such Final Approval of a Final Plan shall not be deemed the laying out or acceptance by the City of any way, easement or utility or other public area shown on such Plan, nor shall such Approval be deemed to constitute by itself any indications of liability by the City of Auburn for the use or maintenance of any streets, ways or other public areas indicated on such a Final Plan.

* (f) As promptly as may be, and not more than twenty-one (21) days after the date of the vote of final approval, the subdivider at his expense shall furnish the City Planning Board three reproductions on cloth by photogelitho or other process of each sheet of the endorsed original cloth drawing(s) of the Final Plan as approved together with three paper prints of each sheet thereof, and each such reproduction or print shall show any endorsement made on its original.

** (g) The City Clerk shall attest and seal each of the aforesaid three cloth reproductions and each of the aforesaid three paper prints. The City Clerk shall transmit one set of such paper prints, so attested, to the City Engineer, one to the Water District, and one set to the Sewer District if the subdivision be within the Sewer District limits, otherwise to the Community Development Department ***. In addition, the City Clerk shall send one of the three sets of attested cloth copies to the Planning Board, one set to the Assessor and one set to the subdivider to be recorded by him in the Androscoggin County Register of Deeds.

* Amended 10-21-74

** Amended 10-21-74

*** Amended 5-17-76

Section 106 Streets on Approved Subdivision Plans May Be Accepted
by the City Council

On petition to the City Council, all or any portion of any street in a land subdivision of which a Final Plan has been duly approved, endorsed and recorded as aforesaid, shall be accepted by vote of the City Council as a public street of the City of Auburn, provided:

(a) Such petition shall be accompanied by two prints of each of the duly approved and recorded plans, profiles (and cross-sections, if any) of that portion of any such street offered for acceptance;

(b) Each such print shall bear or shall be accompanied by a written certification by the Auburn City Engineer that the portion of each such street offered for acceptance has been in fact constructed to the previously approved plan, profile and crosssections, and to the design standards and construction specification of this ordinance, and that all utilities, curbs, sidewalks, street signs and street bounds required along such portion of such street, have been in fact installed in accordance with the aforesaid plan, profile, cross-sections, standards and specifications.

ARTICLE 2

Conditions for laying out, widening, construction or accepting streets in Auburn, other than streets in subdivisions approved under Article 1 of this chapter.

201.1 No part of any street or way in Auburn not on a subdivision Final Plan approved as required under Article 1 of this chapter, shall hereafter be laid out, widened, constructed, reconstructed or accepted by the City of Auburn until the City Planning Board and the City Engineer shall have made careful investigation and shall have reported thereon to the City Council with recommendations, nor until the City Council shall have held a public hearing thereon, all as further set forth below.

201.2 All or any part of any existing or projected public street or way or any private street or way for vehicular travel may be proposed by any owner of property in Auburn or any municipal official to be laid out, widened, constructed or reconstructed by the City of Auburn or by others, or be proposed to be accepted by the City of Auburn, but only in accordance with the conditions stated hereunder. Any such proposal shall be directed and presented to the Auburn City Council through the City Planning Board.

201.3

(a) Except when initiated by the State, the County or the City, each such proposal shall be made by written petition signed by two-thirds of the abutters (both by number and assessed value of land for real estate tax purposes to a depth not to exceed a distance according to the following table in the respective zoning districts:

1. Urban Single-Family Residence - 100'
2. Suburban Residence - 150'
3. Rural Residence - 200'
4. Farm and Forest - 225'
5. Neighborhood Business - 180'
6. General Business - 180'
7. Industrial - 267'

In the event that the proposed street does not go past the entire frontage of a lot, the assessed value shall be determined for that portion of the lot that fronts on the street. The portion of a lot that fronts on a street shall be determined by drawing a line, the locus of points of which being a distance according to the above table from the side or end line.

(b) In said petition, said abutters shall waive any land damages resulting from the laying out, improvement or acceptance of said street or way, and any land damages resulting from any changes in the grade, profile or elevations of such street.

(c) Two-thirds of all cost of preliminary studies, or final studies and of actual construction of any such street layout or street improvement petitioned as above provided shall be the obligation of all of the abutters along that portion of the street or way so laid out or improved. In assessing the above cost, the cost shall be divided equally and 1/2 shall be assessed to the abutters upon a front footage basis and 1/2 upon assessed value as determined in (a) above. Each abutor shall be assessed on the basis of his front footage and assessed value in proportion to the total front footage and total assessed value as determined in (a) above.

(d) No such proposal and petition, duly presented, heard and acted upon by the City Council, shall, if turned down, be again presented sooner than two years from the date of last being heard by the City Council, except upon the recommendation of four-fifth of all of the members of the City Planning Board.

Section 202 Each such proposal and petition shall contain or be accompanied by all the following information:

(a) An explicit statement of the particular action(s) petitioned together with a processing fee of \$35.

(b) clear identification of the street or way or portion thereof under petition together with some sketch approximately to scale of the existing exterior lines of such way, if of record, and if not, of the edges of the traveled width of such way, also if possible, an approximate profile of the existing centerline of such way;

(c) written notice of the date of submission of such proposal shall be given by the petitioner(s) by delivering or sending by certified mail to the City Clerk a copy of a covering letter to the Planning Board from the petitioner(s) listing the plans transmitted to the Board for review.

Section 203

203.1 At the first regular monthly meeting of the Planning Board following receipt of any such proposal and petition, the City Planner and the City Engineer shall make a preliminary report to the Board touching the following topics:

(a) the relationship of the way under petition to other streets existing or proposed, and to the City Plan;

(b) a preliminary evaluation by the City Planner of the need or desirability of the matter under petition, with some mention of any major consequences to be expected from the action under petition, say as to traffic flow, as to neighborhood safety, as to land uses, existing or future, and as to city tax income or outgo;

(c) a preliminary listing by the City Engineer of any major filling, grading, paving, drainage, utility and slope easement or retaining wall problems involved in the matter under petition; also some rough preliminary indication of the relative magnitudes of the probable construction costs involved; the street exterior lines proposed and the relationship of existing structures to said lines proposed; also, if possible, some first indication of the amount and kind of land that might be taken or affected, both as to front footage and as to depth at significant points.

203.2 If after such preliminary review and report on the matter under petition, the City Planner, the City Engineer and the Planning Board are in doubt as to the wisdom or desirability of further planning and engineering study (with full cost and benefit estimates) the Board shall by letter so advise the petitioner(s) with a resume of the preliminary review, and the Board in such letter shall also

invite the petitioner(s) and any other the Board may deem affected or interested, including any city officials, to meet informally with the Planning Board at a subsequent time to discuss the matter.

203.3

(a) If a full and complete study of the petition be determined on by consensus among the Planning Board and City Planner and City Engineer, it shall be so recorded in the minutes of the Planning Board, and copies of such minutes showing the date thereof shall be transmitted to the City Council through the City Clerk, and to the City Manager and all other city officials or agencies prospectively involved, and to the petitioner(s).

(b) The City Planner and the City Engineer shall examine the street or way under petition.

(c) An accurate plan and profile of such street shall be prepared by the City Engineer and be reviewed and approved by the Planning Board in the same manner as a subdivision street. Such plan and profile and accompanying information shall show the length, width, lines, angles and grades, existing and proposed, of such streets; the relationship to structures existing in the abutting lands; the estimated cost of construction; the length of the frontage of each estate; the lands to be taken; the names of the owners of the same and names of all property owners likely in the opinion of the City Engineer to sustain damage by the action under petition, with an amount of money damages proper and reasonable to be awarded to each of them. The Planning Board shall, after review transmit such plan, profile and accompanying information to the City Council.

(d) The Planning Board shall, after reviewing the information required under Sections 203.3(b) and (c) above, transmit said information, plans, profiles, exhibits, or other materials to the City Council with any comments in writing the Board may care to make.

Section 204 Hearing

The City Council shall appoint a time for hearing the matter under petition, and shall give not less than seven (7) days notice thereof, by publication in a newspaper of general circulation in Auburn, and by mailing reprints of such notice to all petitioners and parties deemed concerned. At or after such hearing the City Council shall determine and adjudge whether public convenience and necessity required that the action under petition be taken as proposed. Also

the City Council shall estimate the damage likely to be sustained by property owners affected by such action, and shall vote such further order(s) as to property taking, damages, right of way lines and grades, and street construction as the Council shall then determine. Any laying out, widening, improvement, construction or re-construction, of any portion of any street or way so voted shall conform to and fulfill the design standards and construction specifications of this ordinance.

Section 205 Acceptance on Petition

After fulfilling all the foregoing procedure and requirements, and after completion of construction, if any, the City Council may vote to accept as a public street of the City of Auburn any portion of any way offered by petition for acceptance, provided the construction of such street or way be certified by the City Manager in the manner specified in Section 106(b) of this ordinance, and provided the petition for acceptance be accompanied by all of the prints and information required under Section 106 (a) of this ordinance. If accepted, notice of the City Council vote and date of acceptance shall be endorsed by the City Clerk on a plan, profile and cross-section of such street, together with a notice of the required certification by the City Manager. One copy so endorsed shall be kept with the records of streets accepted by the City; the other shall be kept in the Planning Board records.

Section 206 Street Layout, Improvement and/or Acceptance at the Expense of the City But only to Serve Major Traffic Needs in the Public Interest

On the initiative of any public official of the State, of the County, or of the City, having to do with highways, roads or streets, and under the provisions of Sections 202, 203, 204, and 205 of this Ordinance, the City Council may direct the laying out, improvement, construction, reconstruction or acceptance as a public street of the City of Auburn any way or portion thereof deemed necessary to serve major traffic needs, but only where the City Council, on the recommendation of the Planning Board shall find and determine that the general public interest and the traffic needs of portions of the City larger than a single neighborhood, or the traffic needs of some larger region embracing the City so require. A proposal which has been disapproved by the Planning Board may be enacted only by a 4/5 vote of the City Council. The entire cost of such actions or such portion of such costs as the City Council may after public hearing determine, shall be borne by the City of Auburn, except that this provision shall not restrict any right which the City may at any time have to assess upon others, all or any portion of such costs.

ARTICLE 3

Chapter 23

Standards for Subdivision Design and Street Design

Section 301 In order for the City Planning Board to approve any Subdivision, the Planning Board shall determine that such subdivision complies with the following standards:

301.1 In the case of subdivisions intended primarily for residential use;

(a) That the proposed subdivision is in general harmony with the City Plan for future development of Auburn.

(b) That the proposed subdivision layout shows due regard for natural features such as large trees, groves, water courses, scenic points, historic spots, or similar community assets which would add to the attractiveness and value of the neighborhood if preserved. Extensive land grading or filling shall be avoided so far as possible; natural surface drainage and existing stream channels shall be preserved whenever feasible, and any established stream channel lines shall be respected.

(c) That the proposed subdivision makes adequate provision for safe, free-flowing circulation of pedestrians and motor traffic, with adequate parking, so arranged as to preclude motor vehicle accidents so far as possible, and provide ample light and air, desirable openness of design, and safety for children at play or passing to and from school.

(d) In the case of proposed subdivision contemplating fifth (50) or more dwelling units, that the proposed subdivision is properly safeguarded and well related to existing community facilities such as schools, playgrounds, parks and neighborhood shopping or adequately provided with such facilities within its own design, conveniently arranged and safely located both for children and adults, and calculated to meet the needs of the maximum population anticipated to be housed within such subdivision.

301.2 In the Case of subdivisions intended primarily for industrial, commercial or retail business use:

(a) That the proposed subdivision complies with the standards set forth in sub-paragraphs 301.1(a) through 301.1(c) above so far as the same are applicable;

(b) That the proposed subdivision provides safely accessible automobile parking spaces off street for employees, for visitors, for salesmen, for patrons, and for other persons coming by automobile to such subdivision in numbers of spaces reasonably related to the demand therefor reasonably to be expected.

Section 302 Health

No subdivision shall be approved by the Planning Board unless the City Health Officer (or the State Department of Health and Welfare as provided below) shall certify to the Planning Board that in his opinion the land proposed to be included in such subdivision may be used for the purposes intended without danger to health.

The Planning Board, when requested by the subdivider, shall ask for an advisory opinion from the State Department of Health and Welfare as to the health safety of the subdivision. Such opinion, if affirmative, may be accepted by the Planning Board.

Section 303 Street Design Standards

303.1

(a) Street layouts proposed, (including street improvements proposed), whether or not located in a subdivision as above defined, shall in general conform as to location, width and alignment with the City Plan where prepared or with the recommendations of the City Planner.

(b) Each such street layout shall be reasonably related to existing and contemplated streets and shall be so designed that in the opinion of the Planning Board it will accommodate the traffic volumes and traffic turning and parking movements reasonably expected by the Planning Board along such street.

(c) Where a subdivision plan covers only a part of a tract of land in a single ownership, the Planning Board may require the subdivider to furnish a sketch of a contemplated street system to the standards of this chapter for the whole of the tract, including the part not theretofore submitted.

(d) Proposed new streets shall be so laid out as to accommodate continuation of major streets existing, or so as to allow for projection of existing major streets through adjoining territory unless any Auburn City Planning Board master plan of streets or other municipal documents shall indicate otherwise.

303.2 Streets shall be classified by the Planning Board as arterial streets, collector streets and local streets, and the right of way widths shall be as follows:

arterial streets, not less than 100 feet;
collector streets, not less than 60 feet;
local streets, not less than 50 feet;

or such greater width as a subdivider may propose or as the Planning Board may require in relation to community needs, city plans, prospective traffic or parking conditions, street slopes, street curves or existing or prospective land uses.

303.3

(a) Streets shall so far as practicable intersect at right angles or very nearly so, but shall not intersect at angles more acute than (60°) sixty degrees.

(b) At intersection, the edges of street pavements and the exterior lines of the streets shall be rounded at a radius not less than (50) fifty feet or such larger radius as a subdivider may propose or as the Planning Board may deem required by traffic conditions, street grades, land uses, sight distances or other factors.

(c) Except at intersections, each street alignment deflection of (10°) ten degrees or more shall be accommodated by a curve of not less than (100) one hundred feet length along the center line of such street.

* 303.4 For traffic safety, especially at driveway entrances, for storm drainage reasons and for general useability and access to land, street layouts shall so far as practicable conform to existing topography, avoiding deep cuts or fills, and for the same reasons no street grade shall be less than one-half of one percent (0.5%) not more than five (5) percent if an arterial and collector street, nor more than eight (8) percent if a local street.

** 303.5 Dead-end streets, stub streets and cul-de-sacs shall be avoided, insofar as possible, and where permitted, shall be allowed only for such length as the Planning Board finds will not create a fire hazard in light of the availability of hydrants, accessibility to firefighting equipment, and the anticipated use of abutting properties.

* Amended 9-23-74

** Amended 3-20-74

303.6 Reserved strips of land along street lines or across street ends shall not be permitted. Alleys shall not be permitted. Vehicular access to subdivided lots shall be only by public streets approved under this chapter.

Section 304 Sidewalks

304.1 Within the exterior lines of all arterial streets and all collector streets, spaces shall be provided for two sidewalks, each ten (10) feet wide, one on each side of the street pavements.

304.2 Within the exterior lines of all local streets, space shall be provided for at least one sidewalk on one side of the street, and such sidewalk space shall be not less than eight (8) feet wide between the edge of pavement and the adjacent street exterior line.

Section 305 Easements

For locations of poles, wires, conduits, storm drains, sanitary sewers, gas, electricity or other utility lines where not in street rights-of-way and for locations of natural water courses, the Planning Board may require the grant of easements to the City of Auburn in perpetuity and without compensation, and with rights to the City and others to enter upon such easement(s) for the purpose of installing, maintaining, repairing or improving all or any of such facilities. In general, not less than fifteen (15) feet width of easement shall be granted, and wider easements may be required where deemed necessary by the Planning Board.

Section 306 Open Spaces

Within any subdivision hereafter proposed, the Planning Board may require that there be designated on the subdivision plan land area not over 10% of the gross contiguous area owned by the subdivider for a park or parks, suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in proportion to the land proposed to be subdivided and in relation to the prospective uses of such land. The Planning Board may by appropriate endorsement on the subdivision final plan require that no building be erected upon such park or parks without prior written approval by the Planning Board attached to the application for a permit for any building thereon.

ARTICLE 4

Street and Utility Construction Specifications for Streets to be Accepted as Public Streets by the City of Auburn

Section 401

To be accepted as public streets, together with their storm drains, water mains and sanitary sewers where provided, shall be planned and constructed in accordance with the following specifications. Such construction while in progress shall be inspected from time to time by the City Planner and the City Engineer. No street and associated storm drains and utilities shall be accepted as a public street by the City of Auburn unless the construction and installation thereof shall have been certified in writing by the City Engineer to conform to the lines and grades of the Final Plan approved by the Planning Board for such street prior to construction of it.

401.1 Pavement Widths

The City Council on recommendation from the Planning Board shall determine the width of pavement in each street within the following limits:

- * *** (a) City arterial streets, thoroughfares, boulevards or parkways as indicated on city, county or regional master plans shall have not less than thirty-six (36) feet width of pavement if a single roadway, or an aggregate of not less than seventy (70) feet pavement width if a double roadway.
- *** (b) Collector streets shall have not less than 36 feet width of pavement.
- * *** (c) Local residential streets, including dead end streets where allowed, shall have not less than twenty-six (26) feet width of pavement.
- ** (d) An arterial street shall have not less than 36 feet
- *** width of pavement with a 4 foot base on each side thereof except that the Planning Board may recommend and the Council may determine a greater width where the demands of projected traffic on the proposed street so require.

- * Amended 6-5-72
- ** Amended 3-29-74
- *** Amended 9-23-74

401.2 Street Subgrading

(a) A street shall be graded to its full width between exterior lines throughout the distance along such street of which acceptance is requested and such grading shall conform to the Final Plan, profile and cross-sections approved for such street. That portion of each street so graded shall be cleared of all stumps, roots, brush, boulders and all trees not intended for preservation.

(b) In any street that portion of the right of way to be paved, shall be excavated to a depth not less than fourteen (14) inches below the gutter grade approved on the Final Map of such street. All loam, loamy material, clay, organic or other perishable or spongy material shall be removed from such area to be paved to a depth of not less than thirty-two (32) inches below the gutter grade, or so much deeper as may be directed by the City Engineer. Solid rock, ledge or boulders of one-half cubic yard or more in content encountered within the area to be paved shall be removed to subgrade, not less than fourteen (14) inches below the approved gutter grade.

(c) Excavations below subgrade shall be refilled with dry solid granular mineral material, approved by the City Engineer, in layers not more than ten (10) inches thick per layer. Each layer shall be thoroughly compacted in accordance with State of Maine State Highway Specifications. Each layer shall be thoroughly compacted prior to the placement of any additional fill material.

(d) The subgrade shall be shaped and compacted and rolled to the exact lines and grades given, before building the base course.

(e) Temporary marks and permanent monuments shall be furnished as follows:

(1) The subdivider or his contractor shall furnish, install and maintain all stakes, marks or temporary structures necessary for marking and maintaining the points, lines and grades for road building to the approved plan, profile and cross-sections, and no permanent monuments shall be installed until all construction which might destroy or disturb them has been completed.

(2) The Planning Board will not recommend acceptance of any street until there have been installed markers or monuments on both sides of each street at all angle points, at the beginning and end of all curves thereof, and at all intersections of streets and ways with each other and with the Final Plan boundary lines. The markers or monuments shall be of stone or reinforced concrete and shall be not less than four feet in length and not less than six inches in width and breadth and shall have a drill hole in the centers. Wrought iron rods may be used where the points fall on exposed ledge. Permanent bounds shall project not less than 8 inches nor more than 12 inches above finished grade when finally in place. The placement and accurate location of these markers shall be certified to by a Registered Engineer.

401.3 Storm Drainage

- * (a) On arterial streets a crowned cross-section is preferred, except at curves, and a six-inch curb of asphalt, concrete or granite is required. Both shoulders outside the pavement shall be compacted and stabilized, and storm water run-off from adjoining properties and from the roadway shall be definitely channelled and conducted in such manner that road shoulders, embankments, and pavement edges cannot be undermined nor ravelled away.
- * (b) On local streets turfed or rolled asphalt gutters may be permitted in the discretion of the Planning Board.
- (c) Storm drain culverts and conduits shall be not less than twelve (12) inches diameter or so much larger as may be required by good engineering design standards in relation to the slope acreage and land use of the area to be drained.
- (d) Storm drains shall be laid with a cover depth of not less than twenty-four (24) inches.
- (e) Head walls, catch basins and man-holes in storm drainage lines shall be constructed according to specifications approved by the City Engineer. Except where storm water may in the opinion of the Planning Board be safely decanted from the road surface or the gutter by paved channel to a natural drainage ditch of adequate proportions, catch basins and storm drainage

lines shall be installed on continuous grades, so located as to assuredly drain all low points and sags in the roadway, and be so located that, if possible, storm water shall not flow along the street surface or gutter a greater distance than 500 feet, unless otherwise permitted by the Board.

(f) Where a drainage course on the surface or piped is outside street exterior lines the location of such drainage course shall be secured to City of Auburn by easement or dedication.

Section 402 Pavements

402.1 Base Course

- * (a) In local streets, a twelve (12) inch gravel course shall be constructed on a sub-grade previously prepared as required in Section 401.2 of this ordinance. Such sub-grade shall be inspected and approved by the City Engineer prior to the construction of such base course. The base course shall be constructed in accordance with the State of Maine Highway Commission Standard Specifications for gravel base course, Section 302, Revision of January, 1956.
- * (b) In an arterial street, a sixteen (16) inch gravel base course shall be constructed in two eight (8) inch layers, separately placed and separately compacted, on a sub-grade previously prepared as required in Section 401.2 of this ordinance. Such sub-grade shall be inspected and approved by the City Engineer prior to construction of such base course. The base course shall be constructed in accordance with State of Maine State Highway Commission Standard Specifications for gravel base course, Section 302, Revision of January, 1956.

402.2 Intermediate Course and Surface Course

- * (a) In a local street there shall be constructed a two (2) inch bituminous gravel surface course on a base course previously prepared as required by Section 402.1(a) of this ordinance. Such base course shall be inspected and approved by the City Engineer prior to construction of such surface course. Such two (2) inch bituminous gravel surface course shall be constructed in accordance with State of Maine State Highway Commission Standard Specifications for bituminous gravel surface course, Section 402, Revision of January, 1956.

- * (b) In an arterial street there shall be constructed a two (2) inch bituminous concrete levelling course on a base course previously prepared as required by Section 402.1 (b) of this ordinance. Such base course shall be inspected and approved by the City Engineer prior to construction of such levelling course. The levelling course shall be constructed in accordance with State of Maine State Highway Commission Standard Specifications for bituminous gravel base course, Section 304, Revision of January, 1956. After inspection and approval by the City Engineer of said levelling course, it shall be covered by a two (2) inch bituminous concrete surface course, constructed in accordance with State of Maine Highway Commission Standard Specifications for bituminous gravel surface course, Section 404, Revision of January, 1956.

Section 403 Sidewalk Pavements

403.1 Sidewalk pavements, when required by the Planning Board or the City Council, shall be laid on not less than eight (8) inches depth of compacted gravel base and shall be not less than the following widths:

on arterial streets, ten (10) feet each;
on collector streets, seven (7) feet each;
on local streets, five (5) feet each.

403.2 Such sidewalks may be paved with not less than four (4) inches of cement concrete equal to State of Maine State Highway Standard Specification for Class A concrete.

403.3 Alternatively such sidewalks may be paved with not less than two (2) inches when compacted of bituminous material equal to asphalt institute specifications for sidewalks approved by the City Engineer.

Article 5 Administration

Section 501 Enforcement and Penalties

501.1 The responsibility for administration and enforcement of this ordinance shall rest on the City Planner. He shall, together with other municipal officials take or cause to be taken such steps within the provisions of the applicable statutes and ordinances as the circumstances in each case may require.

* Amended 9-23-74

501.2

(a) No public way shall be laid out, accepted or constructed, and no municipal service or improvement shall be constructed in a way within a subdivision or to serve the land therein unless the final plan of such subdivision be approved and recorded as above provided.

(b) No permit shall be issued for the erection of any building or structure within a subdivision until a final plan of such subdivision has been approved and recorded as above provided.

- * 501.3 No person, firm or other legal entity shall sell,
** lease, or convey or offer or agree to sell, lease, or convey any land in a subdivision which has not been approved in accordance with this chapter. After a final subdivision plan has been approved and recorded, no person, firm, or other legal entity shall develop or construct any building, street, utility line, or other physical aspect of the subdivision except in conformance with the final plan. Any proposed material departure from the plan shall first be re-submitted to the Planning Board as an amendment to the final plan previously approved in the same manner as is provided by this chapter for the submission and approval of original subdivision plans. Once a subdivision plan has been approved which includes a particular building, no amended subdivision plan shall be required for any subsequent internal division of the building through leases or reallocation of space by moving walls or partitions. Any person violating the provisions of this chapter shall be subject to a fine of not more than \$100, and each day that such violation continued shall constitute a separate offense.

501.4

(a) On all matters coming before the Planning Board under this chapter, the decisions or recommendations of said Board shall be based both on compliance with all the terms and provisions of this ordinance and on general reasonableness.

- *** (b) The Planning Board may adjust or vary the requirements of this ordinance in infrequent individual cases where the literal application of one or more of the requirements of this chapter would occasion severe difficulty of land development or of street layout and construction peculiar to such a case by reason of physical circumstances uniquely affecting such case and not similarly affecting other land or street layouts adjoining or nearby. No adjustment or variation of the application of the requirements of this chapter shall be approved that would materially derogate from any of the purposes and intents of this chapter, nor shall any adjustment or variation be approved that would be detrimental to health or safety of the public welfare or injurious to private property adjoining or nearby,

* Amended 3-20-76

** Amended 12-6-76

*** Amended 12-2-74

not shall any adjustment or variation be approved except upon the affirmative vote of not less than 5/7ths of the whole membership of the Planning Board.

Section 502 Appeal

502.1 An appeal may be taken from a decision of the Planning Board to the Superior Court as provided by statute.

Section 503 Saving Clause

(a) Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, not any cause or causes of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

(b) Any subdivision, a plan of which has been duly recorded in the Androscoggin Registry of Deeds or submitted to the Planning Board in acceptable preliminary or final form prior to October 6, 1958, and under actual construction before September 1, 1960, may be approved and the improvements of such subdivision may be made in accordance with the provisions of the subdivision ordinance in effect on September 1, 1958, provided such improvements are carried to final completion on or before December 1, 1962.

(c) Any unaccepted street which is open and in use and which is delineated on a subdivision plan recorded in the Androscoggin Registry of Deeds prior to January 15, 1951 may be accepted, the streets improved and the costs assessed as specified in the ordinances in effect on September 1, 1953, provided that the required petitions in complete and acceptable form, be submitted to the City Clerk before September 1, 1960.

Section 504 Validity Clause

Invalidity of any section or provision of these Subdivision Regulations hereby adopted shall not invalidate other sections or provisions thereof.