

Article 9 Proposed Changes

Proposed change:

Administrative changes to the Backlot provisions (Chapter 4) and transfer of approving authority for Street Construction Standards (Chapter 8) for new road construction.

Chapter 4: Land Use Control Standards

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4-501.8 Backlots

Back lots may be developed for uses permitted in the District if they are or can be provided with a right-of way access that connects with a public road, a privately-owned street ~~which privately-owned street that~~ meets the standards contained in Chapter 8, Minimum Street Construction Standards, or is in an approved subdivision, ~~and which complies with the following provisions:~~

A back lot may be used if the following conditions are met:

- A. The right-of-way must be conveyed by a deed or easement recorded in the Androscoggin County Registry of Deeds to the owner of the back lot and be a minimum of 33 feet in width.
- B. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
- C. Except for lots recorded on or before the effective date of this Ordinance, the right-of-way deed must be recorded in the Androscoggin County Registry of Deeds at the time the back lot is first deeded out as a separate parcel.
- D. Creation of the right-of-way to serve the back lot shall not create a non-conforming front lot by reducing the donor lot's required road frontage below the minimum, ~~or, if the front lot is already nonconforming, with-in~~ respect to road frontage, road frontage must not be reduced ~~its road frontage~~ at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
- E. The right-of-way may serve only one (1) principal use or principal structure, ~~except~~ ~~†~~ The right-of-way may serve two dwelling units if a common driveway is constructed meeting the standards of Chapter 4-501.3 is constructed. If the right-of-way is to serve more than two dwelling units, a street meeting the requirements of Chapter 8 and creation of a road maintenance agreement is required.
- F. No more than one right-of-way for back lot development may be created out of a single lot fronting on a road unless each subsequent right-of-way is supported by additional frontage equal to the frontage requirement in that District.

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- G. Each principal structure on back lots shall be located within the area defined by a circle with a minimum diameter equal to the ~~required~~ road frontage ~~as required~~ perin the District in Chapter 4-201.1 Dimensional Standards.
- H. ~~The right of way referred to in this section does not include a~~ A public easement may not be used to fulfill road frontage requirements.
- I. Any back lot with a dwelling unit or structure shall be no less than five (5) acres in size.
- J. Any driveway used for access to the back lot must be located within the right of way referred to in this section. [Adopted 6/12/12]

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4-501.9 Lots Served by Nonconforming Rights-of-Way

A lot of record which could otherwise be legally built upon but which is served by a right-of-way which does not comply with Section 4-501.8 above may nevertheless be used for a single-family dwelling or an accessory dwelling unit upon submission of items A-G below, and with Planning Board approval. This provision shall not apply to lots created after March 1, 2008. The Board shall require the following before approval may be granted.

- A. A copy of the deed or other legal instrument, if such exists, which grants use of the nonconforming right-of-way and the dimensions ~~eserption~~ of the right-of-way.
- B. A Road Maintenance Agreement ~~statement~~ indicating how those who ~~that~~ use the nonconforming right-of-way to access their residences will ~~provide for adequate maintain~~ enance provision for the nonconforming right-of-way.
- C. The names and addresses of all others granted use of the nonconforming right-of-way if such is not a public easement.
- D. All newly improved non-conforming rights-of-way shall remain private, to be maintained in accordance with the Road Maintenance Agreement. Roads shall not be accepted or maintained by the Town until the road meets all requirements of Chapter 8 for a town street and petition for acceptance of the improved right-of-way as a town way.
- DE. Assurance in such form as the Planning Board may require that all other applicable state laws and regulations and local ordinances will be complied with.
- FE. A statement in recordable form signed by the applicant that if the erection of the new single-~~family~~ dwelling or accessory dwelling unit is accessed by the nonconforming right-of-way occurs, those persons owning property on the nonconforming right-of-

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way shall continue to assume responsibility for maintaining and plowing the nonconforming right-of-way, and that, because the nonconforming right-of-way is not constructed to town street standards, the travel of personal, service, emergency and maintenance vehicles over the nonconforming right-of-way may be hindered. [The Town does not assume the responsibility to clear nonconforming rights-of-way for access by personal, service, emergency or maintenance vehicles.](#)

- G. Nothing contained within shall be construed as requiring the Town to provide additional services to properties on nonconforming rights-of-way not already receiving those services, or to accept such nonconforming rights-of-way as town ways.

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Chapter 8: Minimum Street Construction Requirements [Adopted March 2, 2007]

8-101 Purposes, Administration and Applicability

8-101.1 Statement of Purpose

The purpose of this Chapter is to promote the health, safety and public welfare of the residents of Minot through establishing minimum construction standards for streets.

8-101.2 Administration

The [Planning Board](#) ~~of Selectmen~~, hereafter referred to as the Board, shall administer this Chapter. The Board may appoint an Inspector to act as its agent in undertaking inspection duties prescribed by this Chapter.

8-101.3 Applicability

- A. This Chapter shall apply to all streets within the Town to be constructed, ~~or improved,~~ or ~~to be~~ accepted as town ways ~~after the effective date.~~
- B. Alterations, widening, and improvements shall be consistent with [Chapter Section 8-401](#). The Town of Minot shall be exempt from the provisions of this Chapter when the Town undertakes alterations, widening and improvements.
- C. Nothing in this Chapter shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods, or higher quality materials. The determination of the acceptability of other standards, methods or materials shall be made by the Board with advice from the Town Road Commissioner and the [Planning Board of Selectmen](#).

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8-201 Application Procedures

Prior to the construction of any new street or reconstruction or lengthening of an existing street, ten (10) copies of the application and plans shall be submitted to the [Planning Board](#) ~~of Selectmen~~ at least thirty (30) days prior to a scheduled meeting of the Board.

8-201.1 Submission Requirements

- A. The name(s) of the applicant(s);
- B. The name(s) of the owner(s) on record of the land upon which the proposed street is to be located;
- C. A statement of any legal encumbrances on the land upon which the proposed street is to be located;
- D. The anticipated starting and completion dates of each major phase of street construction;

8-201.2 Plans

Plans and illustrations submitted as part of the application shall be prepared in accordance with these standards by a Licensed Professional Engineer to include the following information.

- A. The scale of the plan. (All streets and roadway plan and profile drawings shall be drawn to a scale 1"=50' horizontal and 1"=5' vertical);
- B. The direction of magnetic north;
- C. A plan profile and typical cross section views of all proposed streets;
- D. The starting and ending point with relation to established roads, streets or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment shall be identified by survey stationing);
- E. The street limits with relation to existing buildings and established landmarks.
- F. Dimensions, both linear and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements and building lines;
- G. The lots, if any, as laid out and numbered on said street, showing the names of all owners of abutting property;

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- H. All natural waterways and watercourses in or on land contiguous~~ness~~ to the said streets or ways;
- I. The kind, size, location, profile and cross section of all existing and proposed drainage ways and structure and their relationship to existing, natural waterways;
- J. The soil erosion and sedimentation control plan showing interim and final control provisions;
- K. Curve data for all horizontal and vertical curves shall be the center line radius, arc length, beginning of curve and end of curve points;
- L. All centerline gradients shall be shown and expressed as a percent;
- M. All curve and property line radii of intersections;
- N. The limits and location of any proposed sidewalk and curbing;
- O. The location of all existing and proposed overhead and underground utilities, to include, but not limited to, the following: (NOTE: when a location, in the case of any underground utility, is an approximate location, it shall be noted on the plan as such.)
 - 1. storm drains
 - 2. telephone/cable line poles or underground service
 - 3. electrical power line poles or underground service
 - 4. street lights;
 - 5. public water supply lines
 - 6. sanitary sewer lines
- P. The name(s) of each proposed new road or street.
- Q. The location and type of street barriers (guardrails) where warranted.

8-201.3 Review by ~~Planning~~ Board of Selectmen and Road Commissioner

Upon receipt of an application for a proposed street, the Board shall ~~also~~ forward copies to the ~~Planning~~ Board of Selectmen and ~~one copy to~~ the Road Commissioner for review and comment.

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8-201.4 Streets within Proposed Subdivisions

Streets proposed as part of a subdivision as defined in Chapter 14 shall be submitted to the [Planning Board](#) ~~of~~ [and forwarded to the Board of Selectmen](#) as an integral part of the Subdivision Application. Plans shall conform to the provisions of this Chapter as well as that required by Chapter 7, Subdivision Standards.

8-301 Public Acceptance of Streets

The approval by the [Planning Board](#) [and Board of Selectmen](#) of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the Municipality of the street. Final acceptance of a proposed public street shall be by an affirmative vote at an annual Town Meeting.

8-401 Application Review

8-401.1 Complete Application

Within thirty (30) [calendar](#) days from the date of receipt, the [Planning Board](#) shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Chapter

8-401.2 Application Approval

The [Planning Board](#) shall, within thirty (30) [calendar](#) days of a public hearing or within sixty (60) days of having received the completed application, or within such other time limit as may be mutually agreed to by the applicant and Board, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Chapter and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Chapter.

8-401.3 Public Hearing

The [Planning Board](#) may hold a public hearing on the application. Should a public hearing be held the Board shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant all abutters of the proposed street seven (7) days prior to the hearing by the Town.

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Definitions

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Road Maintenance Agreement: A contract that outlines the responsibilities for maintaining a shared private road that contains the legal description of all properties that have the right to use the road, the [method in which](#) responsibility for repairs is to be shared by the parties [who own or otherwise inhabit the private road](#), how the costs for repairs will be incurred by these parties, emergency repairs and the consequences for non-participation in the maintenance.

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