

SUBDIVISIONS

SOME MANCHESTER ORDINANCE HIGHLIGHTS (revised 11/06)

Minor Subdivision – Any subdivision containing less than 5 lots or dwelling units, or any subdivision involving less than 10 acres but 5 – 9 lots which the Board finds according to Article II (I) 1(iii) does not require open space set aside.

Major or High Impact Subdivision- Any subdivision , except commercial subdivisions in GD and MV districts, containing 5 to 9 lots (major)unless tract is less than 10 acres (see minor subdivision definition above) or 10 or more lots (high impact) requires open space to be set aside.

Access – All subdivisions are limited to 2 access ways or curb cuts on to an existing private or public road. This provision is in line with the State Planning Office’s “Model Subdivision Regulations” and ME Dot’s “Access Management Handbook”.

Non-buildable Areas – Areas in subdivisions that must be identified and where construction (see definition) is not allowed include steep slopes (20% or more), hydric soils, wetlands, moderate to high value aquifers, surface water including intermittent streams. These are primary conservation areas, which for major and high impact subdivisions must be part of open space set aside. Other non-buildable areas include right of ways and easements, Resource Protection District, and portions utilized for storm water management facilities.

Future Subdivision – The number of proposed lots and future lots must be shown on a site plan when initially applying for a subdivision. Article II (8) (I) (3) (b) (ii) requires that subdivision tracts “shall be laid out in such a manner as to either provide for or preclude future subdivision”. Once initial Board approval has been secured the number of lots in a subdivision cannot be revised (5 year provision is not applicable). However in area not part of open space set aside in a major or high impact subdivision it is possible to initially lay out some lots with remainder of that area reserved for future subdivision. While the number of lots would be fixed lot sizes could be determined in the future in that remainder when a revised subdivision plan is submitted for Planning Board review. A reason for the “future subdivision” provision is that a certain percentage of the whole tract must be set aside as open space when a major or high impact subdivision is proposed. Also non-buildable areas (primary conservation areas) and secondary conservation areas from the whole tract must be incorporated in open space set aside. If lots were sold in a minor subdivision prior to a revised proposal for a major or high impact subdivision it would invariably be impossible to include primary and secondary conservation areas which could be present in those sold lots. Thus a requirement in the ordinance could not be met. This provision prevents this occurrence. This provision is also included so that a developer cannot avoid regulation of the development as a major or high impact subdivision by attempting piecemeal submissions of separate minor subdivisions. Article II (8) (I) (3) (b) (ii) is in line with the expressed purposes of the ordinance’s subdivision provisions and Manchester’s Comprehensive Plan.