

**Subdivision Rule Review  
Master Issues List  
October 2014**

The Commission distributed a written survey to a small group of stakeholders in April of 2014 to determine what issues may be raised during a review of the rules governing subdivision development in the unorganized territories. In September of 2014, the Commission posted an online survey reaching out to a larger group of stakeholders for input on what improvements are needed to its subdivision rules. The results of these surveys, together with information gathered in a workshop held by the Commission in October of 2014, have been consolidated in this master issues list. Further refinements to this list are expected as the process moves forward.

The issues identified to date have been organized into two categories: broader policy issues and more detailed technical/procedural issues, as outlined below. It is important to note that some issues identified in the process so far may not be represented on this list. These issues were not included because they related to statutory requirements that cannot be changed in a regulatory proceeding, were not related directly to the Commission's subdivision requirements, or have been or would be better addressed in a separate regulatory review process such as issues relating to natural resource protection standards. All comments submitted in the surveys and the workshop will be kept on file and considered as appropriate in future Land Use Planning Commission proceedings.

At the first stakeholder meeting in Brewer on October 29th, the participants will: look at the list of issues; see if anything needs to be added to it; refine the issues as necessary; and establish priorities for addressing them.

**Technical/ Procedural Issues**

**Motor Vehicle Circulation, Access Management and Parking Area Layout**

- \* Should the Commission establish a minimum per lot parking space requirement for subdivisions?

**Road Design and Construction**

- \* What changes to the standards are needed, if any, to ensure safety for emergency vehicles, school buses and pedestrians?
- \* Should the road standards be revised to allow a maximum sustained grade for a class 1 road of 12% instead of the current 10%?
- \* Should provisions for snow removal be required?
- \* Should MDOT be more involved in review of subdivision road designs?
- \* What changes are needed to improve the current road crossing standards?

**Subdivision Layout and Design**

- \* Can development be allowed on steeper slopes with adequate provisions for erosion control?
- \* What standards need to be revised or added to allow for sufficient clearing of defensible space around homes for fire safety?
- \* Are standards needed regarding placement of utilities, above or below ground?
- \* What standards are needed to ensure the appropriate use of building materials so that dwellings fit harmoniously with the existing environment?
- \* Should the vegetation clearing standards be revised to allow reduced buffer strips along roadways or reduce other clearing limitations?
- \* Should there be additional standards to address vegetative clearing for hillside development?
- \* What standards need to be revised to improve consistency with DEP subdivision standards?
- \* Should setbacks from internal roads be reduced?

## **Title, Right and Interest**

- \* How should the commission review TRI?

## **Common Infrastructure Maintenance**

- \* What steps should be taken to ensure better long-term maintenance of common infrastructure?

## **Process for the Preparation, Submission, and Review of an Application**

- \* Should the pre-application process include a mandatory pre-application meeting between LUPC staff and the property owner or developer and his/her representatives?
- \* If so, who should attend the pre-application meeting - just LUPC staff or other agency staff that may be involved in the review?
- \* What level of site inventory and analysis should be required for the pre-application meeting and for the application process?
- \* Should there be a process for an applicant to submit a conceptual plan for the entire subdivision and get detailed approvals on a phased basis?
- \* If so, what information is needed for a meaningful conceptual plan?
- \* What changes to public notice provisions are needed to ensure adequate public participation?
- \* Should small (e.g. 5 or less lots) be allowed to submit less information or less detailed information as part of the application and if so, what information can be omitted?
- \* What level of soil survey should be required for subdivisions?
- \* Is one test pit per lot sufficient to review the adequacy of soils on subdivision lots for the long-term?
- \* Can the Commission develop and maintain a database of road ownership?
- \* Should the Commission have a role in improving communication between E911 Addressing Officers and subdivision developers?
- \* What is the best way to help applicants anticipate review time?
- \* Should annual reports of progress be required as a condition of subdivision approval?
- \* Would more follow-up inspections by Commission staff be beneficial?
- \* Should follow-up inspections by the design engineer be required?
- \* Should the Commission develop a certification process for design professionals?
- \* Is clarification needed for when a subdivision permit vests?

## **Policy Issues**

### **Motor Vehicle Circulation, Access Management and Parking Area Layout**

- ✦ What provisions for access management should be required for water access only subdivision lots?

### **Road Design and Construction**

- ✦ How can the Commission's standards be revised to increase flexibility for internal subdivision road design in rural areas and for smaller subdivisions?
- ✦ Are multiple ingress /egress points needed for emergency access?

### **Level 2 Subdivision Standards**

- ✦ Would revised standards for Level 2 subdivisions create more beneficial development without causing undue adverse impact?
- ✦ How can more Level 2 subdivisions be encouraged in areas already approved for this use?
- ✦ Are there additional areas of the UT where Level 2 subdivisions should be allowed? If so, which ones?
- ✦ What is the appropriate number and size of lots for Level 2 subdivisions?

- ✦ Should the Level 2 criteria in 10.25,Q,2,c and d, relating to distance from public roads and to location near compatible development, be changed?

### **Subdivision Layout and Design**

- ✦ Are the layout and design standards for subdivisions appropriate for the areas served by the Commission?
- ✦ Should the standards allow for more design options for different areas/ regions of the UT (waterfront vs. back lots, hillside properties, developed vs. rural areas, etc.)?
- ✦ How can the standards be made clearer while incorporating more flexibility?
- ✦ Where should community-centered design or grouping of lots be required?
- ✦ Should back lots or shared water frontage be encouraged or required?
- ✦ Are there places or situations where the linear placement of lots should be allowed? If so, where?
- ✦ Should the standards be revised to allow the creation of large lot subdivisions to meet market demand?
- ✦ If yes, what standards should apply to large lot subdivisions and where should they be allowed?
- ✦ Where should shared access roads or driveway access be required?
- ✦ Should the Commission encourage sharing of temporary docks for water access in subdivisions?
- ✦ Does the Commission need standards that consider cumulative impact and carrying capacity in its review of subdivisions?
- ✦ Are special considerations needed for condominium developments?

### **Cluster Subdivision Standards**

- ✦ Where should clustering of subdivision lots be required and where should it be incentivized?
- ✦ Should clustering be discouraged in certain areas /regions of the UT? If so, where?
- ✦ Where clustering is used, how should the method for calculating the amount of required open space, currently calculated as 50% of the net developable land, be revised?
- ✦ Should the provisions for waiving dimensional requirements be expressed or calculated in a different way?

### **Open Space Standards**

- ✦ Where should open space be required, and could off-site preservation be an appropriate substitute?
- ✦ What revisions are needed to the mechanism by which holders of open space assume control or assist in management of these lands?

### **Title, Right or Interest**

- ✦ Should an applicant be required to demonstrate a legal right to use the proposed access to the subdivision if it is not directly from a public road or recorded public easement?

### **Incentive-based Standards**

- ✦ Are there ways to create incentive-based standards that would be beneficial?

### **Common Infrastructure Maintenance**

- ✦ Should performance guarantees be required for certain subdivision projects?

### **Process for the Preparation, Submission, and Review of an Application**

- ✦ What improvements can be made to reduce the cost and processing time for subdivision permits?
- ✦ What changes are needed to improve the permit amendment process for changes that occur during construction?
- ✦ Should the Commission play a role in use of impact fees?