

603 Back Lots

A. Purpose

Pursuant to the 2006 Comprehensive Plan to conserve rural land while preserving the flexibility of rural landowners to use their back land for compatible purposes, this ordinance allows for the creation out of an existing lot that has at least 350 feet of frontage on a public maintained road, one new single backlot (see Article 2. Definitions) without frontage on a public road for the placement of one single-family dwelling. Residential dwellings and accessory structures located on backlots created under this ordinance shall comport with the Comprehensive Plan in protecting existing designated conservation land, deeded trails, public easements and strive to protect non-deeded traditional trails such as snowmobile passageways and the like.

Amended 6/19/17

B. Applicability

This Ordinance shall apply to:

1. Land in the Rural District RA and the Rural District RB
2. Pre-existing lots-of-record on or before the effective date of this ordinance that have at least 350 feet of continuous frontage but less than 600 feet along a public maintained road.

C. Effective Date

The effective date of this ordinance is June 20, 2016.

Amended June 19, 2017.

D. Administration

1. Lots recorded on subdivision plans filed at the Cumberland County Registry of Deeds (CCRD) are reviews by the Planning Board as a 'Resubdivision' as defined in §400. The Planning Board shall review and administer Backlot applications using applicable regulations from this Backlot Ordinance in addition to the applicable procedures in the Subdivision Ordinance.
2. All other lots of record in the CCRD are reviewed by the Code Enforcement Officer CEO. In considering backlots under this provision, the CEO may act to approve, disapprove, or approve with variances as authorized by the Pownal Board of Appeals. No municipal permits shall be issued, nor construction work begun on any use or development covered by this Ordinance, as specified in Section 3, until the backlot application has been approved by the CEO and filed. Newly CEO approved backlots shall be filed in the CCRD and the Town provided with the CCRD Book and Page filing numbers. All work shall be carried out in accord with the documentation submitted and approved by the CEO.
3. Upon completion of the applicable requirements of Section 603 (2) and (3) below and notation to that effect on the plan, the (CEO) shall grant final approval and shall sign the plan. The applicant shall be responsible for filing a copy of the approved plan with

the Municipal Officers and for having a copy recorded in the Cumberland County Registry of Deeds. The applicant shall be responsible for presenting evidence to the CEO of the recording. Any Backlot Plan not so filed or recorded within ninety (90) days of the date upon which such plan is approved and signed by the CEO as herein provided shall become null and void unless the particular circumstances of said applicant warrant the CEO to grant an extension which shall not exceed two additional periods of ninety (90) days.

4. No changes, erasures, modifications or revisions shall be made to any final plan after approval has been given by the CEO and endorsed in writing on the plan unless the plan is first resubmitted and the CEO approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void and the CEO shall institute proceedings to have the Plan stricken from the records of the Municipal officers and the Registry of Deeds.

EJ. Application

1. The project may be reviewed informally with the CEO to determine if it generally conforms to applicable ordinance requirements. If the project appears to conform to applicable ordinance requirements, the applicant shall complete a backlot application.
2. All applications for backlots shall be made in writing to the CEO on the forms provided for this purpose. The application shall be made by the owner of the property or his agent, as designated in writing by the owner; and shall be accompanied by the payment of an application fee to cover the administrative costs of processing the application. The CEO shall review all applications for completeness and other permitting requirements and schedule a site visit with the applicant. The applicant shall notify all abutters (as defined in §400) by certified mail at least 14 days prior to the scheduled site visit and present returned postal receipts to the CEO at time of the site visit. *Amended 6/18/18*
3. The CEO shall take under advisement any issues and recommendations by the abutters from the site visit and resolve those issues (within the regulations of the ordinance) with the applicant as a part of an approved Backlot application.

EK. Submission Requirements

All submissions are based upon the regulations of §603(D) and shall include the following.

1. A fully executed and signed copy of the application for a new backlot.
2. Evidence of right, title, or interest in the property such as deed, option to purchase, lease, or agreement.
3. A survey plan for filing in the CCRD drawn at a scale sufficient to allow review of the items listed under the below general standards but not at more than 100 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
 - a. Names of all abutters on both sides of the street on the plan within 500 feet of all the property lines of the proposed backlot and names and addresses of all abutters on both sides of the street on a separate listing. *Amended 6/19/17*

- b. Sketch map showing general location of the site within the town.
- c. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time. On lots larger than 15 acres only the impacted portion must be surveyed
- d. The bearings and distances of all property lines and the source of this information.
- e. Zoning classification(s) of the property and the location of zoning district boundaries as applicable.

The following additional requirements are necessary for the backlot to be a “Lot Approved for Building” (as defined in §400 Definitions). Until all the following requirements are fulfilled the backlot shall be designated a “Lot Not Approved for Building” on its CCRD filed surveyed plan.

- f. Soil types and location of soil boundaries suitable for waste water disposal as certified by a Maine- licensed engineer or soil scientist. *Amended 6/19/17*
- g. The location of all building setbacks required by this or other ordinances of the Town of Pownal on the portion of the backlot to be developed.
- h. The location of all existing buildings (including size and height), easements, wetlands and streams within the backlot (identified and delineated by the wetlands scientist) and open drainage courses.
- i. The location of all buildings within 50 feet of the portion of the backlot to be developed and the location of intersecting roads or driveways within 200 feet of the portion of the backlot to be developed.
- j. Existing and proposed topography of the site at two foot contour intervals if major changes to the existing topography at the proposed backlot house site are being proposed.

- 4. Copies of any proposed or existing easements, covenants, deed restrictions, etc.
- 5. A list of all applicable State & Federal permits.
- 6. Location of any floodplains on the project parcel that would affect the backlot building site. (Reference: FEMA flood map in Town Hall and on the town website)
- 7. Demonstration that access to the backlot will be safe and will meet or exceed minimum required sight distance. (Per §610)
- 8. If the application concerns a house building site, which in whole or part is within any Shoreland Zone, the criteria included the Pownal Shoreland Zoning Ordinance shall be reviewed concurrently with the Backlot application.

GL. Regulations

- 1. A lot-of-record (as defined in §400) may be divided only once into a backlot and remaining front lot (as defined in §400).

2. A backlot created under this ordinance shall be recorded on a surveyed plan in the CCRD. The plan shall prominently name the new backlot as created pursuant to this ordinance.
3. Backlots that are created must be 5 acres or larger, not including the ROW (right-of-way) over the front lot. Minimum Lot size: 3 acres, not including the access easement over the front lot.
4. There shall be at least a 50-foot right-of-way (ROW) across the front lot (as defined) to the backlot, controlled by the backlot, through the means of a deeded easement.
5. The creation of a Backlot cannot leave the front lot non-conforming.
6. Any driveway serving a back lot shall conform to §610. A legal description (recorded in the CCRD) of the deeded Right of Way by metes and bounds shall be attached to any building permit application for construction on the Backlot. The ROW shall be maintained by the Backlot owner.
7. A backlot (as defined) shall only be allowed one single-family dwelling and accessory structures.
8. The front lot line of a backlot shall be the lot line most parallel to the public road that provides the frontage to the front lot. The front lot line of the backlot shall be at least 300 feet long.
9. All the setbacks and other requirements of the District shall apply to structures built on the backlot.
10. Approved backlots shall have a Tax Map and Lot number assigned by the Town assessor.
11. Back lots must meet the following space and dimensional standards:
 - a. Minimum Front Yard: 40 Feet from the edge of the road right-of-way.
 - b. Minimum Side & Rear Yard: 25 feet
 - c. Maximum Building Coverage of Lot: 20%