



Town of Durham
630 Hallowell Road
Durham, Maine 04222

Tel: 207-353-2561
Fax: 207-353-5367

Office of Code Enforcement and Planning

SUBDIVISION WAIVER REQUEST

A SEPARATE REQUEST FORM MUST BE SUBMITTED FOR EACH WAIVER REQUESTED

Subdivision Name: _____

Application Date: _____

A. Applicant Contact Information

Applicant: _____ Address: _____

Telephone number: _____

Email address: _____

B. Identification of Waiver Request

Waiver Type: Submissions _____ Procedures _____ Performance Standards _____

Land Use Ordinance Section Number: _____

C. Explanation of Waiver Request

Why is the waiver being requested by the applicant?

Subdivision Name: _____

D. Justification of Waiver Request

Why do you think that a waiver of the subdivision requirements is justified in this case?

E. Supporting Documentation

What supporting documentation for the waiver has been included with the subdivision application?

F. Signature of Applicant

To the best of my knowledge, all of the above stated information submitted in this application is true and correct.

Printed Name: _____

Date

Subdivision Name: _____

SUBDIVISION WAIVER REQUEST FINDINGS OF FACT

Section 6.35 WAIVERS

- A. **Waivers of Certain Submission Requirements:** Where the Board makes written findings of fact that there are special circumstances of a particular tract proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning regulations, or these subdivision regulations.

Motion made by _____: The special circumstances of the particular tract proposed for development and the simple nature of the application indicate that the following submission item is unnecessary to verify compliance with the subdivision review criteria and standards and would not nullify the intent and purpose of the comprehensive plan, zoning regulations, or these subdivision regulations:

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

- B. **Waivers of Procedural Requirements:** The Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:
1. No new streets are proposed;
 2. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a "Permit by Rule;"
 3. The Board agrees to approve a waiver from the requirements to submit a stormwater management plan and sedimentation and erosion control plan; and,
 4. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted by the Planning Board.

Motion made by _____: The proposed subdivision meets the criteria for granting a waiver to combine preliminary and final approvals.

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

Subdivision Name: _____

C. Waivers of Performance Standards: Where the Board makes written findings of fact that due to special circumstances of a particular tract proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or an alternative design is equal to or better in meeting the statutory review criteria, it may waive the design standards, subject the following criteria:

1. The applicant has provided the Planning Board with a factual basis for granting the waiver that is supported by sound engineering and/or environmental analysis (cost considerations are not justification);
2. The waiver(s) do not have the effect of nullifying the intent and purpose of the zoning regulations or these subdivision regulations;
3. The performance standards of these regulations have been substantially met and the criteria of the subdivision statute have been or will be met by the proposed subdivision; and,
4. The requested performance standard waivers are noted on the recorded subdivision plan (submission waivers and procedural waivers are not noted on the plan).

Motion made by _____: The applicant has provided documentation based on sound engineering and/or environmental analysis that the following standard can be waived for the proposed subdivision and is not requisite to provide for the public health, safety, and welfare subject to the proposed conditions of subdivision approval:

_____.

Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____