

Back Lot Permit Application

Map _____ Lot _____

Owners Name

Owners address

Owners Phone #

Address of property

Submission requirements

1st backlot _____

SECTION 6. Back Lot Development Standards for all backlots

A. Back lots may be developed although they lack frontage on a Town and/or state maintained_ accepted road if the development is in accordance with the following provisions:

- 1) If a back lot is accessible only by a legally enforceable right-of-way, it may be used for one single-family dwelling if the following conditions are met:
 - a) The right-of-way must be deeded to the owner of the back lot and be a minimum of 50 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 of a dwelling on the back lot.
 - c) Creation of the 50-foot right-of-way to serve the back lot shall not create a nonconforming front lot by reducing such lot's road frontage below the minimum for that district, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is given 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.
 - d) The right-of-way may serve only one single-family dwelling with the exception of Family Owned Back Lots governed by Section 6.A.1-i. below, unless Planning Board approval is obtained as required below.
 - e) No more than one right-of-way for back lot development may be created out of any lot fronting on a Town and/or state maintained road unless each subsequent right-of-way is created out of at least an additional 350 feet of Town road frontage, and the road entrances to such Town road are at least 600 feet apart.
 - f) The dimension of the back lot which borders upon the right-of-way shall be at least 300 feet in length and the depth of the lot perpendicular to

said frontage shall be at least 200 feet for at least 300 feet along the right-of-way. The back lot shall have a minimum of five (5) acres not including any land constituting the right of way.

- g) With the exception of the paving requirement, if the right-of-way is brought up to subdivision road standards as found in Section 8.D. of the Town of Durham's Subdivision Ordinance, further dwellings may be constructed on a back lot with Planning Board approval. The standard for all roads in the Rural Residential – Transitional District is the private road standard (Section 8. E, Figure 3 of the Town of Durham's Subdivision Ordinance), and the standard for all roads in the Southwest Bend/Growth District is the public road standard (Section 8. E, Figure 1 of the Town of Durham's Subdivision Ordinance). For purposes of such approval, the construction of an additional dwelling or dwellings along the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such construction were in an approved subdivision except for paving. This provision shall not apply to Family Owned Back Lots which are governed with regard to road standards by Section 6.A.1.-i.
- h) At the time of conveyance of the right-of-way, the owner shall convey to the Town an easement described by metes and bounds, for sewer purposes over the entire right-of-way and shall record the easement in the Androscoggin County Registry of Deeds and should also be so noted on the plot plan.

Family owned back lot _____

Additional Standards for family owned backlots

- i) The roadway shall be required to be 20 feet wide with 12 inches of aggregate sub base, 6 inches of aggregate base, and drainage as shown in The Town of Durham's Subdivision Ordinance Section 8.E. Figure 3: but with no shoulders or pavement being required. All other applicable road standards shall apply. A maintenance agreement as described in Section 6.B.4. below shall be required.

If any Family Owned Back Lot(s) is sold to a person not related to the donor, the road which serves the Family Owned Back Lot(s) shall be brought up to the current road standards applicable in the district in which the Family Owned Back Lot(s) is located by the seller within six months of the sale.

Additional Back lots _____

- B. When the Planning Board is asked to approve development of more than one dwelling whose access is off of a right-of-way pursuant to Section 6.A. (1) (g) above, in addition to any other requirements for approval, the following shall apply:
1. *A street plan showing the private way shall be prepared by a professional engineer. The plan shall be labeled “Plan of a Private Way” and shall provide an approval block for the signatures of the Planning Board members. The Plan shall delineate the proposed way and each of the lots to be served by the private way. The plan shall be recorded in the Androscoggin Registry of Deeds prior to construction of the second or subsequent dwelling.
 2. The street plan, a cross section, and the drainage plan shall be submitted to the Planning Board for each private way serving two or more lots.
 3. The street plan shall bear notes: (1) The Town of Durham will not be responsible for the maintenance, repair, or plowing of the privately owned road and (2) Further lot divisions utilizing the privately owned road are prohibited without prior approval of the Durham Planning Board. Nothing contained in this paragraph shall prevent a privately owned road from becoming a Town way pursuant to the state and local laws.
 4. If the private way is to provide access to two or more lots, a maintenance agreement as described in the Town of Durham Land Use Ordinance Article VI B 2 shall be required by the Planning Board and recorded in the Androscoggin County Registry of Deeds. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way.
*Note: With Planning Board approval the street plan may be integrated into a single plot plan
- C. No residential building permit for a dwelling shall be issued for second and subsequent Back Lots until the Code Official and Road Committee certifies that the requirements of this ordinance have been met.



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

Office of Codes Enforcement

Tel. (207) 353-2561

Fax: (207) 353-5367

BACKLOT PERMIT APPLICATION

