

ORIGINAL  
KEEP

**SUBDIVISION REVIEW ORDINANCE**

FOR THE

**TOWN OF CAMBRIDGE, MAINE**

March 1990, Amended

Certified copy, attest: Clara Watson, Town Clerk.

Enacted by the Town: March 3, 1990.

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## ARTICLE I PURPOSES

The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Cambridge, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cambridge, Maine, the Planning Board shall consider the following criteria, and before granting approval, shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of Title 30A, M.R.S.A. 4404. The subdivision:

- 1.1 Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability adequately to support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluent; and the applicable State and local health and water resources regulations.
- 1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- 1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- 1.4 Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- 1.5 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- 1.6 Will provide for adequate sewage waste disposal;
- 1.7 Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- 1.8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; and
- 1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any.
- 1.10 The subdivider has adequate financial and technical capacity to meet the above standards.

- 1.11 Whenever situated in whole or in part, within 250 feet of any pond, lake, or river, will not adversely affect the quality of the body of water or unreasonable affect the shoreline of that body of water.
- 1.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- 1.13 All principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

## ARTICLE II AUTHORITY AND ADMINISTRATION

### 2.1 Authority.

A. These standards have been prepared in accordance with the provisions of Title 30A M.R.S.A. S4401, 4402, 4403, 4404, 4405, 4406, and 4407, and 30A M.R.S.A. S3001.

B. These standards shall be known and may be cited as "Subdivision Review Ordinance for the Town of Cambridge, Maine, (1990, Amended)."

### 2.2 Administration.

A. The Planning Board of the Town of Cambridge, hereinafter called the Board, shall administer these standards.

B. The provisions of these standards shall pertain to all land proposed for subdivision, as defined in Title 30A M.R.S.A., S4401, 4402, 4403, 4404, 4405, 4406, 4407, within the boundaries of the Town of Cambridge.

### ARTICLE III DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

**Abettor:** For the purpose of notification, abettors shall include owners whose land directly touches the applicant's land as well as the owner(s) of land directly across a road from the applicant's land.

**Aggrieved party:** A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the Municipality who represent an interest adverse to the grant or denial of such permit or variance..

**Cluster Subdivision:** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

**Complete Application:** An application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

**Comprehensive Plan or Policy Statement:** Any part or element of the overall plan or policy for development of the municipality as defined in Title 30A M.R.S.A., Section 4301.

**Conforming Use:** A use of buildings, structures, or land which complies with all applicable provisions of this Ordinance.

**Contiguous Lots:** Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

**Conversion:** Conversion of a seasonal dwelling to a year-round dwelling means a change of occupancy from seasonal to year-round or principal dwelling. For purposes of the Ordinance, conversion of a seasonal dwelling to a year-round dwelling shall be a change of use.

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**Driveway:** A vehicular access-way serving two dwelling units or less.

**Dwelling Unit:** A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping bathing and sanitary facilities; includes family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

**Final Plan:** The final drawings on which the applicants plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**Flag Lot:** A lot accessed by a private way, that the owner owns and is held in the same interest as said parcel, that does not meet road frontage requirements.

**High Intensity Soil Survey:** A soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted.

The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

**100 Year Flood:** The highest level of flood that, on a average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

**Lot:** A parcel of land having distinct and defined boundaries and described in a registered deed, plot plan, or similar legal document.

**Normal High Water Elevation of Inland Waters:** That line on the shores of banks on nontidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sassparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water elevation shall be estimated from places where it can be determined by the above method.

**Industrial Park or Development:** A subdivision in an area zoned exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

**Monument:** Any permanent marker.

Monument classification:

Major. A reinforced concrete or stone post 4" X 4" X 4' inserted a minimum of 2' and a maximum of 3' in the ground.

Minor. May consist of reinforcing rod at least 5/8" in diameter, water pipe at least 3/4" in diameter, cedar or pressure-treated wood at least 4" X 4" in section.

Flush. A minor monument that does not protrude above the ground level, but which can be found with ease.

**Net Residential Acreage:** The total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in the Zoning Ordinance for the Town, enacted: March 3, 1990, Section III:3.

**Net Residential Density:** The average number of dwelling units per net residential acre.

**Official Submittal Date:** The date upon which the Board issues a receipt indicating a complete application has been submitted.

**Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

**Planned Unit Development:** A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

**Planning Board:** The Planning Board of the Town of Cambridge, Maine, created under Title 30A M.R.S.A., 4301.

**Preliminary Subdivision Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

**Recording Plan:** A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

**Resubdivision:** The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

**Solar Collector:** A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes to a building's energy supply.

**Solar Energy System:** A complete design or assembly consisting of a solar energy collector, an energy storage facility (when used), and components for the distribution of transformed energy.

**Stream:** Any water course indicated in blue on the 1984 Provisional edition of the USGS 7.5' Series Topographic map.

**Street:** Public and private ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

**Street Classification:**

**Arterial street:** A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

Maine Route # 152.  
Maine Route # 150.  
Chandler Hill Road.

**Collector Street:** A street servicing at least fifteen lots or dwelling units, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

**Industrial or Commercial Street:** Streets servicing industrial or commercial uses.

**Minor Street:** A street servicing less than fifteen lots or dwelling units.

**Subdivision:** The division of a tract or parcel of land into three or more lots within any five-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood marriage or adoption, unless the intent of such gift is to avoid the objectives of these regulations, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of these regulations.

## ARTICLE IV ADMINISTRATIVE PROCEDURE

4.1 Purpose. The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

4.2 Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of of the first two lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create the third lot, unless both those dividings are accomplished by a subdivider who shall have retained one of the lots for his own use as a single family residence or for open space land as defined in Title 36, section 1102 for a period of at least five years prior to that second dividing. Lots of any size shall be counted as lots.

For the purposes of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner(s) of land on both sides thereof.

**Subdivision, Major:** Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street.

**Subdivision, Minor:** Any subdivision containing not more than four lots or dwelling units, and in which no street is proposed to be constructed.

**Tract, or Parcel, of Land:** All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream or a private road established by the land owner(s).

## ARTICLE V PREAPPLICATION

### 5.1 Procedure.

- A. Applicant presentation and submission of sketch plans.
- B. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- C. Scheduling of on-site inspection.

5.2 Submission. The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.

5.3 Contour Interval and On-Site Inspection. Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision, and hold an on-site inspection of the property.

5.4 Rights not Vested. The submittal or review of the preapplication sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., S302.

## ARTICLE VI MINOR SUBDIVISIONS

6.1 General. The Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.

### 6.2 Procedure.

A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Final Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of \$80.00 payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification.

C. Upon receipt of an application for Final Plan approval of a minor subdivision, the Board shall notify in writing all owners of abutting property that an application for subdivision approval has been submitted.

D. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

E. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine when to hold a public hearing on the Final Plan application.

F. The Board shall hold the public hearing, within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

G. Within thirty days of the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, approve, approve with conditions, or deny Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. The Board must approve the application if it conforms with this and other applicable ordinances, and the requirements of 30A M.R.S.A. S4403 and 4404.

### 6.3 Submissions.

A. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be not larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted.

The Application for approval of a Minor Subdivision shall include the following information:

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by major monuments. The plan shall indicate the type of monument set or found at each lot corner.

3. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

4. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.

5. Indication of the type of sewage disposal to be used in the subdivision.

a. When sewage disposal is to be accomplished by connection to any public sewer, a written statement from the Sewer District stating the district has the capacity to collect and treat the wastewater shall be provided.

b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit or boring analyses, prepared by a Licensed Site Evaluator and approved by Town Plumbing Inspector, shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

C. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where

necessary.

6. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners.

7. A copy of the portion of the county Soil Survey covering the subdivision.

8. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.

9. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

## ARTICLE VII PRELIMINARY PLAN FOR MAJOR SUBDIVISION

### 7.1 Procedure.

A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Preliminary Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$15.00 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of \$25.00 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant, and require that an additional \$10.00 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$10.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a final decision on the subdivision application by the Board shall be returned to the applicant. An additional fee shall be required to cover costs of advertising and postal notification for the public hearing.

C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

D. The subdivider shall certify to the Board that all owners of abutting property have been notified that an application for subdivision has been submitted to the Board.

E. Within sixty days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

F. The Board shall determine when to hold the public hearing on the Preliminary Plan application. It shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

G. The Board shall, within thirty days of the public

hearing, or within sixty days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

H. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan;
2. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
3. The amount of all performance guarantees which it will require as prerequisite to the approval of the Final Plan;

I. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

## 7.2 Submissions.

A. Location map. The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
3. Boundaries and designations of any zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

B. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition one copy of the Plan(s) reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:

1. Proposed name of the subdivision, plus the Tax Assessor's Map and Lot numbers.

2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by major monuments. The plan shall indicate the type of monument set or found at each lot corner.

3. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

4. A copy of any covenants or deeds intended to cover all of part of the lots in the subdivision.

5. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.

6. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.

7. Indication of the type of sewage disposal to be used in the subdivision.

a. When sewage disposal is to be accomplished by connection to any public sewer, a letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted.

b. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator and approved the Town plumbing inspector, shall be provided. A map showing the location of all test pits or borings dug on the site shall be submitted.

8. Indication of the type of water supply system(s) to

be used in the subdivision. When water is to be supplied by public water supply, a letter shall be submitted indicating there is adequate supply and pressure for the subdivision.

9. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.

10. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.

11. The location of any zoning boundaries affecting the subdivision.

12. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

13. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the subdivision.

14. The width and location of any streets or public improvements shown upon the Official Map and The Comprehensive Plan, if any, within the subdivision.

15. The proposed lot lines with approximate dimensions and lot areas.

16. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

17. The location of any open space to be preserved and an indication of its improvement and management.

18. A soil erosion and sedimentation control plan endorsed by the County Soil and Water Conservation District.

19. A plan for the disposal of surface drainage waters, prepared by a Registered Professional Engineer.

20. A copy of that portion of the county Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board will require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

21. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

## ARTICLE VIII FINAL PLAN FOR MAJOR SUBDIVISION

### 8.1 Procedure.

A. The subdivider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.

B. All applications for Final Plan approval for Major Subdivision shall be accompanied by an application fee of \$20.00 per lot or dwelling unit payable by check to the municipality. An additional fee shall be required to cover the costs of advertising and postal notification for the public hearing.

C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

D. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine when to hold a public hearing on the Final Plan Application.

E. Prior to approval of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:

1. Maine Department of Environmental Protection, under the Site Location or Development Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of streams and Rivers Act, or if a Wastewater Discharge License is needed.

2. The servicing water utility, if an existing public water service is to be used.

3. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.

4. The servicing sewer district, if an existing public sewage disposal system is to be used.

5. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

F. A public hearing will be held by the Planning Board within thirty days after issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the

hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing.

When a subdivision is located within 500 feet of a municipal boundary, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

G. The Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial, or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.

H. Before the Board Grants approval of the Final Plan, the subdivider shall meet performance guarantee requirements in Article XII.

I. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.

J. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, shall make findings of fact, and conclusions relative to the standards contained in Title 30, M.R.S.A. P4956, subsection 3, and in these regulations. If the Board finds that all standards of the Statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

## 8.2 Submissions.

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border one on the left side for binding and a one inch margin outside the border on the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible stable-based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may, instead submit one reproducible-based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan. In addition, one copy of the Final Plan, reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the

meeting.

The application for approval of the Final Plan shall include the following information.

A. Proposed name of the subdivision plus the Assessor's map and Lot numbers.

B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and actual distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by major monuments. The plan shall indicate the type of monument set or found at each lot corner.

C. The number of acres within the proposed subdivision, location of property lines, existing buildings, water courses, and other essential existing physical features.

D. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to a public sewer, a written statement from the Sewer District indicating that the District has reviewed and approved the sewerage design shall be submitted.

E. Indication of the type of water supply system(s) to be used in the subdivision.

1. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design.

2. When water is to be supplied by private wells evidence of adequate ground water supply shall be submitted by a written statement from a hydrologist familiar with the area.

F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.

G. The location of any zoning boundaries affecting the subdivision.

H. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways or adjacent to the property to be subdivided.

I. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These

lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves, tangent distances and tangent bearings for each street shall be included.

J. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, in any, within the subdivision.

K. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cessation to the municipality of all public spaces shown upon the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cessation shall be included.

L. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots.

M. If any proportion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

### 8.3 Final Approval and Filing

A. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

B. Upon findings of fact and determination that all standards in Title 30, M.R.S.A. S4956, subsection 3, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the Plan is approved and signed by the Board shall become null and void.

C. At the time the Board grants Final Plan Approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary to insure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board may require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to

the subdivision.

D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 9.1.C. The Board shall make findings that the revised plan meets the standards of Title 30, M.R.S.A. S4956, subsection 3, and these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such Plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

F. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

#### ARTICLE IX ENFORCEMENT

##### 9.1 Inspection of Required Improvements

A. At least five days prior to commencement of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official shall request the Planning Board for rapid approval of minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc.

D. At the close of each summer construction season, the Town may, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

G. The subdivider or lot owner's association shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality.

## 9.2 Violations and Enforcement

A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.

B. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.

D. Any person , firm, corporation, or other legal entity who conveys or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than \$100, and not more than \$2500 for each such conveyance, offering, or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.

E. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

F. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of lands or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.

G. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

#### **ARTICLE X - GENERAL STANDARDS**

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a Final Plan. In all instances, the burden of proof shall be upon the applicant.

10.1 Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan of the Municipality and with the provisions of all pertinent state and local codes and ordinances.

10.2 Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards in Section 11.2.M. Maintenance obligations of the easement shall be included in the written description of the easement.

10.3 Lots.

A. All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located.

B. Lot configuration and area shall be designed to provide

for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations.

C. Wherever possible, side lot lines shall be perpendicular to the street.

D. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future resubdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.

E. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream or road to meet the minimum lot size.

F. Odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than four to one.

G. Flag lots shall conform to provisions set forth for such lots in the Zoning Ordinance.

H. Lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the Postmaster and his comments considered by the Board.

#### 10.4 Utilities.

A. Underground utilities shall be installed prior to the installation of the final gravel base of the road.

B. The size, type and location of street lights, electric and gas lines, telephone, and other utilities shall be shown on the plan.

10.5 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

##### A. Monuments.

1. Major monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.

2. Major monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.

3. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation.

#### B. Water Supply.

1. When a subdivision is to be served by a public water system, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.

a. The subdivider shall provide a written statement from the servicing water company or district that adequate water for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.

b. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district.

2. When the location of a subdivision does not allow for a financially reasonable connection to a public water supply system, the Planning Board may allow the use of individual wells or a private community water system.

a. Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other ground water sources, and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.

b. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system, and shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231).

c. The subdivider shall construct ponds and dry hydrants for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary. The Board may waive the requirement for ponds only upon submittal of evidence that the soil types in the subdivision will not permit their construction.

#### C. Sewage Disposal.

1. Public system.

a. A sanitary sewer system shall be installed at the expense of the subdivider when there is a public sanitary sewer line located within 1000 feet of the proposed subdivision at its nearest point. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's collection and treatment system.

b. The sewer district shall review and approve in writing the construction drawings for the sewage system.

## 2. Private Systems.

a. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules, and must be approved by the Town Plumbing Inspector. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

b. In no instance shall a disposal area be permitted on soils or on a lot which requires a New System Variance form the Subsurface Wastewater Disposal Rules.

## D. Surface Drainage.

1. Where a subdivision is traversed by a stream, river, or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision would not be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channelling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a Registered Professional Engineer.

2. Drainage easements for existing water-courses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.

3. The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. Where the peak runoff from the subdivision onto other properties is increased either in volume or duration, easements from abutting property owners, allowing such additional discharge shall be obtained.

4. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section 11.4, shall be

submitted.

#### 10.6 Land Features.

A. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact by the developer to prevent soil erosion. The Board may require a developer to correct and prevent soil erosion in the proposed subdivision.

#### 10.7 Construction in Flood Hazard Areas.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

**ARTICLE X1 STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION  
STANDARDS**

**11.1 General Requirements.**

A. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the Final Plan by the Board, shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

B. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plans shall include the following information:

1. Date, scale, and magnetic or true north point.
2. Intersections of the proposed streets with existing streets.
3. Roadway and right-of-way limits including edge of shoulder, sidewalks, and curbs.
4. Kind, size, location, material, profile, and cross-section of all existing and proposed drainage ways.
5. Complete curve data shall be indicated for all horizontal and vertical curves.
6. Turning radii at all intersections.
7. Centerline gradients.
8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

C. Upon receipt of plans for a proposed public street the Board shall forward one copy to the Municipal Officers, the Road Commissioner, and the Municipal Engineer for review and comment. Plans for streets which are not proposed to be accepted by the Municipality shall be sent to the Municipal Engineer for review and comment.

**11.2 Street Design Standards.**

A. These design standards shall be met by all streets within subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

B. Streets shall be designed to discourage through traffic within a residential subdivision.

C. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.

D. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance or Building Code. When such widening or realignment is indicated on the Official Map, the reserve shall not be included in any lot, but shall be reserved to be deeded to the Municipality or State.

E. Any subdivision containing fifteen dwelling units or more shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street serving fifteen dwelling units or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

F. The following design standards apply according to street classification:

<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>	<u>Private</u>	<u>Industrial/Commercial</u>
Minimum right-of-way width:				
80'	50'	50'	50'	80'
Minimum pavement width:				
44'	24'	20'	12'	44'
Sidewalk Width:				
5'	5'	5'	N/A	8'
Minimum Grade:				
0.5%	0.5%	0.5%	N/A	0.5%
Maximum Grade:				
5%	6%	6%	10%	5%
Minimum centerline radius:				
800'	230'	150'	N/A	800'
Minimum Tangent between curves of reverse alignment:				
300'	200'	100'	N/A	300'
Roadway Crown:				
1/4"/ft.	1/4"/ft.	1/4"/ft.	N/A	1/4"/ft.
Minimum angle of street intersections:				
90°	90°	90°	90°	90°
Maximum grade within 75 ft. of intersection:				

2%	2%	2%	N/A	2%
Minimum curb radii at intersections:				
30'	20'	15'	N/A	30%
Minimum r/o/w radii at intersections:				
20'	10'	10'	10'	20'
Minimum width of shoulders(each side):				
3'	3'	3'	3'	9'

G. The centerline of the roadway shall be the centerline of the right-of-way.

H. Dead End Streets. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line 65 ft.; outer edge of pavement 50 ft. The Board may require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.

I. Grades, Intersections, and Sight Distances.

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

2. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.

Posted speed limit (mph)	25	30	35	40	45	50	55
Sight distance	250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

4. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important intersections. A minimum distance of two hundred feet shall be maintained between center lines of side streets.

J. Sidewalks. Where installed, sidewalks shall meet these minimum requirements.

1. Bituminous sidewalks.

a. The gravel aggregate sub-base course shall be no less than twelve inches thick.

b. The crushed aggregate base course shall be no less than two inches thick.

c. The hot bituminous pavement surface course shall be no less than two inches after compaction.

2. Portland Cement Concrete Sidewalks

a. The sand base shall be no less than six inches thick.

b. The Portland Cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

K. Where installed, curbing shall be granite or bituminous concrete and shall be installed on a thoroughly compacted gravel base of six inches minimum thickness, except bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.

11.3 Street Construction Standards.

A. Minimum thickness of material after compaction:

Arterial      Collector      Minor      Private      Industrial/Commercial

Aggregate Sub-base Course (Max. sized stone 4"):  
18"                  18"                  18"                  12"                  18"

Crushed Aggregate Base Course:  
4"                  3"                  3"                  3"                  4"

Hot Bituminous Pavement:  
Total Thickness:  
3 1/4"              2 1/2"              2 1/2"              3"  
Surface Course:  
1 1/2"              3/4"              3/4"              1 1/4"  
Base Course:  
1 3/4"              1 3/4"              1 3/4"              1 3/4"

B. Preparation.

1. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.

2. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. all ledge, boulders, and tree stumps shall be removed from the right of way.

3. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Town Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

4. Side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, limed fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

C. Bases and Pavement.

1. Bases.

a. The aggregate Sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

<u>Sieve Designation</u>	<u>Percentage by Weight Passing Square Mesh Sieves</u>
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding four inches in any dimension.

b. The aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

<u>Sieve Designation</u>	<u>Percentage by Weight Passing Square Mesh Sieves</u>
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the subbase shall contain no particles of rock exceeding four inches in any dimension.

2. Pavement joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

3. Gutters.

Gutters shall be installed as required by the Board to maintain drainage if deemed necessary by the Municipal Engineer.

4. Pavements.

a. Minimum standards for the base layer of pavement shall be the M.D.O.T., specifications for plant mix grade B with an aggregate size no more than 1 inch maximum.

b. Minimum standards for the surface layer of pavement shall meet the M.D.O.T. specifications for plant mix grade C with an aggregate size no more than 3/4 inch maximum.

11.4 Storm Water Management Design Standards.

A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

1. All components of the storm water management system shall be designed to meet the criteria of a twenty-five year storm based on rainfall data for Bangor, Maine.

2. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

3. Catch basins shall be installed where necessary and located at the curb line.

4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable material to reduce storm water velocity.

B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved of planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

C. Downstream drainage requirements shall be studied to

determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

D. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvements to the system.

E. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

#### 11.5 Storm Drainage Construction Standards.

##### A. Materials.

1. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek." Perforated Concrete pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

2. Asbestos Cement Pipe. Asbestos cement pipe shall meet the requirements of ASTM Designation C-428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63, or of an approved preformed plastic sleeve type.

3. Corrugated Metal Pipe. Corrugated metal pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.

4. ABS Pipe. ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

5. Corrugated Plastic Pipe. Corrugated plastic pipe shall conform to the requirements of AASHTO M-252.

6. Manholes. Corrugated plastic pipe shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete

manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

7. Catch Basins. Catch basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTOM 105, Class 30 for gray iron castings, or AASHTOM 183 (ASTM A 283, Grade B or better) for structural steel.

B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.

C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.

D. Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris, or foreign matter and shall be kept clean until final acceptance.

#### 11.6 Additional Improvements and Requirements.

A. Erosion control. The procedures outlined in the erosion control and sedimentation control plan shall be implemented during the sit preparation, construction, and clean-up stages.

B. Cleanup. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If onsite disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

C. Street Names, Signs, and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of

existing streets within the Municipality, and shall be subject to the approval of the Board. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety, and control signs. Street lighting shall be installed by the developer as approved by the Board.

11.7 Certification of Construction. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations.. "As built" plans shall be submitted to the Municipal Officers.

## ARTICLE XII PERFORMANCE GUARANTEES

12. 1. Types of Guarantees. With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account.

B. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers, or Town Manager.

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers, or Town Manager; or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner, Municipal Officers, and/or Town Attorney.

12.2 Contents of Guarantee. The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish the construction.

12.3 Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

12.4 Performance Bond. A performance bond shall detail the conditions of the bond, the method for release of the bond

or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

12.5 Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

12.6 Conditional Agreement. The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:

A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or

B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 12.8.

12.8 Release of Guarantee. Prior to release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Town Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

12.9 Default. If, upon inspection, the Town Engineer finds that any of the required improvements have not been constructed in accordance with the plans and specification filed as part of the application, he shall so report in writing to the Code Enforcement Officer, The Municipal Officers, The Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

12.10 Private Roads. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners until and unless

accepted as a Town Way by vote of the Town."

12.11 Improvements Guaranteed. Performance guarantees shall be tendered for all improvements required by section 10.5 of these regulations, as well as any other improvements required by the Board.

## ARTICLE XIII - WAIVERS

13.1 Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided 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 Official Map, the Comprehensive Plan, the Zoning Ordinance, or these regulations.

13.2 Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.

13.3 In granting waivers to any of these regulations in accordance with Sections 13.1 and 13.2, the Board shall require such conditions as will assure the objectives of these regulations are met.

#### ARTICLE XIV - APPEALS

14.1 Anyone aggrieved by a decision of the the Code Enforcement Officer or Planning Board may appeal such decision to the Board of Appeals and may further appeal to the Superior Court within thirty days after the Board of Appeals' decision as provided by statute. Not later than thirty days from the date of the written decision, the appellant shall submit a written appeal to the Board of Appeals. The appellant shall set forth in writing the specific grounds for this appeal. A fee of \$5.00 shall be paid at the time of filing the appeal to cover the costs of advertising. The Board of Appeals shall forthwith cause to be advertised in a newspaper of general circulation in the area, a Notice of Appeals which shall state the property involved, the nature of the appeal and the time and place of the public hearing. The Board of Appeals shall at the same time notify by mail the owners of all property abutting and immediately across the road or way from the property for which the appeal is taken. The appeal shall be in order for hearing within ten days after the first publication of the Notice of Appeal, and the date of the hearing so stated in the Notice. The hearing will be held in accordance with State Law. Following such hearing, the Board of Appeals may reverse the decision of the Code Enforcement Officer or Planning Board only if it finds a mistake of fact or law or misinterpretation of the terms of these regulations or other applicable Ordinances. A copy of any such reversal shall be sent to the Planning Board and Code Enforcement Officer within ten days of the Board of Appeals' action, but no later than thirty days after the public hearing.