

**Town of Machiasport**  
SUBDIVISION REGULATIONS

Enacted At Town Meeting on July 18, 1988.  
Reenacted through April 7, 1992.

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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, to protect the environment and to promote the development of an economically stable community. To this end, prior to approving the proposed subdivisions the Planning Board 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 30, M.R.S.A. 4956, Subsection 3.

Article II: AUTHORITY AND ADMINISTRATION

2.1 Authority

These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A. 4956, Subsection 2.

2.2 Administration

- A. The Planning Board, 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 30 M.R.S.A. 4956, Subsection 1, within the boundaries of the Town.

2.3 Amendments

These regulations may be amended in the same manner by which they were adopted.

ARTICLE III: ADMINISTRATIVE PROCEDURE

To establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivisions review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda by contacting the Chairman in writing, at least one week in advance of a regularly scheduled meeting. Applicants who attend a meeting but 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.

ARTICLE IV: PREAPPLICATION MEETING

- 4.1 Prior to submitting a preliminary plan for a major subdivision (more than five lots) the subdivider shall bring, to the board for discussion and recommendation, a Preapplication Sketch Plan showing, in simple form, the proposed layout of streets and lots in relation to existing conditions. At this meeting the requirements for plan submission will be listed by the Board. The Sketch Plan should be

supplemented with a brief written statement describing existing conditions of the site and proposed development. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the location of the proposed subdivision, unless it is less than ten acres in size. The submittal or review of the preapplication Sketch Plan shall not be considered the initiation of the review process under Title Plan Title 30 M.R.S.A. 4956, Paragraph 2.c.1.

- 4.2 On-Site Inspection: Within thirty days, the Board Chairman and/or designated members shall make an on-site inspection of the property.

ARTICLE V: SUBMISSION REQUIREMENTS

- A. Location Map showing the relationship of the proposed to the adjacent properties, and to allow the Board to locate the subdivision within the town. The location Map shall show:
1. Existing lots in the proximity of the proposed subdivision.
  2. Locations and names of existing and proposed streets.
  3. Boundaries and designated of Shoreland 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. Three copies of one or more maps or drawings of the proposed subdivision at a scale of one inch equals 100 feet.
- C. The following information shall be either shown on the drawing or accompany it:
1. Evidence of right, title or interest in the land proposed to be subdivided.
  2. Proposed name of subdivision, or identify title.
  3. A field 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 monuments. The plan shall indicate the type of monument set or found at each lot corner.
  4. A copy of the deed upon which the survey was based. A copy of all covenants or deed restrictions, or other encumbrances currently affecting the property.

5. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
6. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
7. The number of acres within the proposed subdivision, location of the property lines, easements, rights of way, existing buildings, water courses, vegetation cover type, and other essential physical features.
8. The location of all test pits and of each proposed subsurface wastewater disposal system.
9. A written statement from either a well driller or a hydrologist familiar with the area as to the adequacy of ground water supply and quantity.
10. The date the Plan was prepared, a magnetic north point, graphic map scale, names and addresses of the record owner, subdivider or company who prepared the plan.
11. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.
12. The location of any zoning boundaries affecting the subdivision.
13. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
14. 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.
15. The width and location of any streets or public improvements shown in the town's Comprehensive Plan, within the subdivision, if any.
16. The proposed lot lines with approximate dimensions and lot areas.
17. Parcels of land proposed to be dedicated to public use and conditions of such dimensions.
18. The location of open spaces to be preserved and an indication of its improvement and management.

19. Soil erosion and sedimentation control plans and plans for the disposal of surface drainage waters endorsed by the County Soil and Water Conservation District.
20. A copy of that portion of the County Soil Survey covering the subdivision. When the medium intensity soil survey soils, which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Soil Scientist indicating the suitability of soil conditions for those uses.
21. If any portion of the subdivision is in flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
22. Copies of state or other approvals, where appropriate, which may include:
  - a. Maine Department of Environmental Protection approvals as necessary, may include: the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act or Alteration of Streams and Rivers Act;
  - b. The servicing water utility, if an existing public water services is to be used;
  - c. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system;
  - d. The servicing sewer district, if an existing public sewage disposal system is to be used;
  - e. The Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

## ARTICLE VI: PLAN FOR MINOR SBDIVISIONS

### 6.1 General

The subdivisions plan for a Minor Subdivision shall consist of two sets of reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed with the Board and three sets of prints or copies for the Board's use. Space shall be provided for insertion of all conditions and variances, which may be made by the Board, and for its endorsements. Three copies of all required written information shall also be submitted.

## 6.2 Procedure

- A. Within six months of discussing the sketch plan with the Board, and at least seven days prior to a scheduled meeting of the Board, the subdivider shall submit an application for approval of a final plan. The Final Plan shall approximate the layout shown on the Sketch Plan and address any recommendations made by the Board.
- B. All applications for Final Plan approval for a Minor Subdivision shall be accompanied by an application fee of \$80.00 payable by check to the town.
- C. The Board shall notify all owners of abutting properties that an application for subdivision approval has been submitted to it.
- 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 and determine whether to hold a public hearing on the Final Plan application.
- F. If the Board decides to hold a public hearing, it shall be within the thirty days of receipt of a complete application, and notice shall be published in a newspaper of general circulation in the town 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 a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make written findings of fact upon the application stating its reason for approving, approving with condition, or denying the Final 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 recommendation made by the Board.
- B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by the following fee(s):
  - 1. Application fee, \$50.00.

2. Review fee, \$40.00 per lot, or living unit for multiplex development.
  3. Review escrow account, \$100.00 per lot (or living unit for multiplex development) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developers application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. Those monies deposited by the developer and not spent by the Planning Board in the course of its review shall be returned to the developer within the thirty days after the Board renders its final decision on the applicant.
- C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- D. The Board shall notify all owners of abutting properties that an application for subdivision approval has been submitted to it.
- E. Within thirty days of receipt of a Preliminary Plan application 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 whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall be within thirty days of receipt of a complete application, and notice shall be published in a newspaper of general circulation in the town at least two times, the data of the first publication to be at least seven days prior to the hearing.
- G. Within thirty days of the public hearing, or within sixty days of receipt of a completed application, if no hearing is held within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make, in writing, findings of fact upon the application, and approve, approve with conditions, or deny the Preliminary Plan.
- H. When granting approval to a Preliminary Plan, the Board shall state the condition of such approval, if any, with the 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 performances guarantees which it will require as prerequisites to the approval of the Final Plan.



- I. Approval of a Preliminary Plan shall not constitute intent to approve the Final Plan, but rather 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 condition 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.
- J. 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.
- K. The Board shall notify the Town officials such as, 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 multifamily, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.

## ARTICLE VIII: FINAL PLAN FOR MAJOR SUBDIVISION

### 8.1 General

The final Plan shall consist of one or more maps 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. Plans shall be reserved for insertion of all conditions and variances, which may be made by the Board and for its endorsement. Two reproducible stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed with the Board, and three copies of the plans shall be submitted. In addition, one copy of the Final Plan, reduced to a size of 8 ½ by 11 inches, and all accompanying information shall be provided for each Board member.

### 8.2 Procedure

- A. The subdivider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for 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. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

- C. 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 whether to hold a public hearing on the Final Plan application.
- D. A public hearing may be held by the Board within thirty days after the 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, a public hearing is to held, the Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

- E. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Article XI.
- F. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30, M.R.S.A. 4956, subsection 3 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Boards finds that any of the standards of the Statute and these regulations have not been met, the Boards shall either deny the application or approve the application with conditions to ensure all of the standards will have been met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

### 8.3 Final Approval and Filing

- A. The subdivider shall certify to the Board that he/she is not in default on a previously approved plan.
- B. Upon finding of fact and determination that all standards in Title 30, M.R.S.A. 4956, 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 for any approval, approval with conditions, or denial. 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 in order to insure the orderly development of the Plan. If any town department, or district or agency 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 shall 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 provisions of public services to the subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Board shall require the Plan to be divided into sections to prevent classroom overcrowding.

- D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing in 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. 4956, subsection 3, and these regulations. In the event that the 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 town of any street, easement, or other open space shown on such a plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the town, approval of the Plan shall not constitute acceptance by the town of such areas. The Board shall require the Plan to contain appropriate notes to this affect. The Board may also require the filing of a written agreement between the applicant and the town covering future deed and title, dedication, and provisions for the cost of grading, development, equipment, and maintenance of any such dedication area.
- F. Failure to commence substantial construction of the subdivision improvements within five years of the date of the 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 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 commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Board in writing of the time when he proposes to commence construction of such improvements, so that an inspection can be made to assure that all town

specifications and requirements are met during the construction or required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

- B. If the inspection reveals that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the Board or its agent shall notify the Selectmen who shall take steps necessary to preserve the town'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 Board or its agent shall determine if the modification is major or minor. Approval under this section shall be in writing. Revised plans shall be filed with the town. For major modifications, such as relocation of right-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.
- D. At the close of each summer construction season the Board or its agent shall inspect the site. By December 1 of each year during which construction was done on the 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, and properly installed, and appear adequate to do the job that they were designed for. The report shall also include a discussion and recommendations on any problems, which are 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 Selectmen 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 Selectmen 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 builder 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 Enforcements

- A. No plan of a division of land within the town, 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. Any person, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision, which has not been approved as required by these regulations shall be punished in accordance with Title 30, M.R.S.A., Section 4956, which provides, among other things, for a fine of not less than \$100.00, 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.
- C. 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.
- D. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts are completed in accordance with these regulations up to and including the entire frontage of the lot.

## ARTICLE X: GENERAL STANDARDS

In reviewing applications for a subdivision, the Boards shall consider the following general standards and make findings that each has been met prior to the approval of the 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 or policy statement of the town and with the provisions of all pertinent state and local codes and ordinances.

### 10.2 Retention of Open Space and Natural or Historic Features

- A. In any subdivision larger than thirty-five acres, or more than twenty lots or dwelling units the Boards may request the developer to provide up to ten percent of his total area as open space. The developer may instead make payment in-lieu-of dedication into a town land acquisition fund.
- B. Land reserved for open space purposes shall be of character configuration and location suitable for the particular uses intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least

200 feet, and have no major dimensions of less than 2000 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access, as the Board may deem suitable and no less than twenty-five feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with the sufficient areas for trails, lookouts, and etc. where necessary and appropriate.

- C. The Board may require that the development plans include a landscape plan that will show the preservation of larger trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.

### 10.3 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 utility crossings and/or pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easements.

### 10.4 Lots

- A. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
- B. Wherever possible, side lot lines shall be perpendicular to the road.
- C. 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 extension of utilities.
- D. If a lot on one side of a stream, tidal water, 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 barrier to meet the minimum lot size.
- E. In order to meet the minimum lot size requirements flag lots and other odd shaped lots in which narrow strips joined to other parcels are prohibited. The ratio of lot length to width shall not be more than three to one.

## 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. Stone 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. Stone Monuments shall be set back at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries are 135 degrees or less.
3. Stone Monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes, ½ inch deep shall locate the point or points described above.
4. 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

A written statement from either a well driller or a hydrologist familiar with the adequacy of ground water supply and quantity.

- C. When sewage disposal is to be accompanied by subsurface wastewater disposal systems, a plan for a workable system, a test pit analysis, and a statement of suitability, prepared by a Licensed Site Evaluator shall be provided for each lot.

### D. Surface Drainage

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over the other properties. This storm water management system shall be designed by a professional engineer.
2. 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 on the other properties. Where the peak runoff from the subdivision onto other properties is increased either volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.

3. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section 11.3, 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. The Board shall require a developer to take measures to prevent soil erosion in the proposed subdivision.
- C. Tree cutting within the Shoreland Zone shall conform with the provisions of the Shoreland Zoning Ordinance.

#### 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 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 partially included in the flood hazard area.

### ARTICLE XI: ROAD AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

#### 11.1

A. <u>Road Design Standards</u>	<u>Major</u>	<u>Minor</u>	<u>Assoc.</u>
1. Minimum right-of-way width	80'	50'	50'
2. Minimum width of traveled way	28'	24'	18'
3. Minimum width of shoulders (each side)	8'	4'	4'
4. Maximum grade	5%	7%	10%
5. Minimum gravel base	18"	15"	12"
5. Minimum bituminous paving (if used*)	4"	3"	2"

\*Other surface treatment may be permitted on minor and association roads



- B. New streets shall be so laid out as to accommodate the continuation of the principal streets in adjoining subdivisions or for their proper protection when adjoining property is not subdivided.
- C. Dead-end streets shall not exceed one thousand (1000) feet in length and shall be equipped at the closed end with a turn-around roadway of which the minimum diameter for the outside curb shall not be less than one hundred and twenty (120) feet.
- D. A block shall not be less than six hundred (600) feet not more than fifteen hundred (1500) feet in length and no block shall be less than two hundred and thirty (230) feet in width except that this restriction shall not apply to any single block in the rural area provided that each lot in such block measures not less than two (2) acres in area.
- E. To assure proper drainage, street grades shall not be less than 1% nor more than 10% unless specifically approved by the Board.
- F. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrians and vehicle traffic. Curves in general shall have a minimum radius of one hundred (100) feet and no interchange shall be acceptable at less than 60 degrees. Property lines on corners shall reserve a twenty (20) foot curve radius.
- G. Whenever the Board finds need for the reservation of one or more right-of-ways or one or more reserve strips, such reservations shall be made before final approval of a subdivision plan.
- H. No street shall be recommended for acceptance until it has been properly graded and approved by the Board in accordance with this Ordinance.
- I. Any subdivision shall be so designed that every lot has access to the public street system. If such access is via private road it shall nevertheless conform to Section II of this Ordinance.

## 11.2 Preparation

- A. Before any clearing has started on the right-of-way, the centerline and sidelines of the new road shall be staked or flagged at fifty-foot intervals.
- B. Before any grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All boulders and tree stumps shall be removed from the right-of-way. All organic materials shall be removed from the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway.

### 11.3 Storm Water Management Design Standards

- A. Adequate provisions 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.
  - 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. Pipes shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, no 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 rip rap or other suitable materials 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 or 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 offered 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.

#### 11.4 Additional Improvements and Requirements

- A. Erosion control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- B. Cleanup: Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If one site 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: Names of new streets shall not duplicate, nor bear phonetic resemblance to names of existing streets within the town, and shall be subject to approval of the Board. No street names shall be the common given name of a person.

#### 11.5 Certification of Construction

Upon completion of street construction and prior to a vote by the Selectmen to submit a proposed public way to the Town Meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Selectmen 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 Board.

### 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.

- A. Either a certified check payable to the town or a savings account or certificate of deposit naming the town as the owner, for the establishment of an escrow account; or
- B. A performance bond payable to the town issued by a surety company, approved by the Selectmen; or
- 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 Selectmen; or

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

### 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 construction.

### 12.3 Conditional Agreement

The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the town 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 rebuilt 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, acceptance to the town, is submitted in an amount necessary to cover the completion of the required 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 12.5.

### 12.4 Phasing of Development

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street, which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of requirements pertaining to previous phases.

### 12.5 Release of Guarantee

Prior to the 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 required.

#### 12.6 Default

If, upon inspection, the Board finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, it shall so report in writing to the Selectmen, and the subdivider or builder. The Selectmen shall take any steps necessary to preserve the town's rights.

#### 12.7 Association Roads

Where the subdivision streets are to maintain private associations roads, the following words shall appear on the recorded plan:

“All roads in this subdivision shall remain association roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the town.”

### ARTICLE XIII: WAIVERS

#### 13.1 General

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.

#### 13.2 Waiver of Submission Requirements or Standards

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 standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided that public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purposes of the Official Map, the Comprehensive Plan, the Zoning Ordinance or these regulations.

#### 13.3 Waiver of Improvements Requirements

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 such improvements, subject to appropriate conditions.

#### ARTICLE XIV: APPEALS

An aggrieved party may appeal any decision of the Board under these regulations to Superior Court.

#### ARTICLE XV: DEFINITIONS

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

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 the vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that the application is complete.

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

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

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

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

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

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 area, which are unsuitable for development.

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.

Planned Unit Development: A subdivision controlled by a single developer and undertaken in such a manner that treats the developed area in its entirety to promote the best use of the 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.

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 effects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

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

Subdivision: The division of a tract or parcel of land into 3 or more lots each of 500 acres or less within any 5-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, building or otherwise including multi-unit and multi-building projects, provided that a division accomplished be devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality, unless the intent of that gift is to avoid the objectives of this section, or by transfer of any interest in land owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section.

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

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

Tracts, 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, tidal waters where there is no flow at low tide, or a private road established by the abutting land owners.