

TOWN OF SKOWHEGAN
SUBDIVISION STANDARDS

ORDINANCE HISTORY:

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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 Skowhegan, 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 Skowhegan, 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 30-M.R.S.A. § 4401-4407. The Subdivision as proposed:

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 flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the availability of streams for disposal of non-waste effluents; the slope of the land and its effect on 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 including consumption and fire fighting purposes. In making this determination, the Board shall at least consider: the quantity and pressure of available public water supplies; existing ground water quality; the suitability of soil conditions for the construction of fire ponds; and the availability of existing water bodies to be used for fire protection;

1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized. In making this determination the Board shall at least consider: the safe yield of the source; pumping and distribution capacities; pressure and volume necessary for fire fighting purposes; and seasonal fluctuations in demand within the system;

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. In making this determination the Board shall at least consider: the nature of the soils on the site; the proximity of water bodies; the slopes on the site; the extent of construction activities proposed; the increase in impermeable areas proposed; the on-site storm water management facilities proposed; the adequacy of any down-stream storm water management facilities and existing or approved upstream developments;

1.5 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed, and if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section. In making this determination, the Board shall at least consider: existing traffic conditions; existing highway or road capacity and planned improvements, seasonal fluctuation in traffic counts; the location of proposed streets and driveways; and the design and construction specifications of proposed streets and intersections;

1.6 Will provide for adequate sewerage disposal and will not cause an unreasonable burden on municipal services if they are utilized. In making this determination, the Board shall at least consider: the suitability of the soils for on-site waste water disposal; the availability of off-site treatment facilities; whether off-site treatment facilities are operating in compliance with their licenses or are in compliance with their signed consent agreement with the Department of Environmental Protection;

1.7 Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste if municipal services are to be utilized. In making this determination the Board shall at least consider: the type and volume of wastes to be generated; the expected lifespan of the municipal solid waste disposal facility; and whether existing disposal facilities are operating in compliance with their licenses or are in compliance with a signed consent agreement with the Department of Environmental Protection;

1.8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. In making this determination, the Board shall at least consider the view of the property from State highways and navigable water bodies; the architectural character of the proposed Subdivision in relationship to the surrounding architecture; the proximity of the proposed Subdivision to registered critical areas; the proximity of the proposed Subdivision to registered historic sites, districts or buildings; the effects on areas previously identified as high value wildlife or fisheries habitat; the effect on areas identified as habitat for rare or endangered species; the existence of any public rights of access to the shoreline of a water body and the effect upon the view of a water body from a public facility;

1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the Board shall at least consider: the location of the proposed subdivision in relationship to the availability of services or plans to expend services; location of the proposed Subdivision in relationship to designated open spaces, growth areas and rural area; and compliance with any performance standards or design criteria. In making this determination, the municipal reviewing authority is authorized to interpret these ordinances and plans;

1.10 Provides proof that the subdivider has adequate financial and technical capacity to meet the above stated Standards. In making this determination the Board shall at least consider other developments undertaken by the applicant; Dunn & Bradstreet rating of any corporation; annual financial statements and comments from the Department of Environmental Protection;

1.11 Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or rivers defined in Title 38, Chapter 3, subchapter I., Article 2-B, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water. In making this determination the Board shall at least consider: the impact of surface runoff to the water body; the impacts of ground water flows from the Subdivision to the water body; and the need for a vegetative buffer strip along the shoreline

adequate to minimize runoff, the visual impacts of the Subdivision and provide suitable wildlife habitat;

1.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. In making this determination, the reviewing authority shall at least consider: the location of mapped sand and gravel aquifers; the depth to bedrock of overlying soils; sizes of lots with subsurface waste water disposal systems; expected ground water withdrawals; expected losses in recharge; the nature of waste likely to enter ground water; and the separation between subsurface waste water disposal systems and the seasonal high water table;

1.13 Shows that the subdivider has determined, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate maps, and information presented by the applicant whether the Subdivision is in a flood-prone area. If the Subdivision or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the Subdivision. The proposed Subdivision shall include a condition of Plan approval requiring that principal structures in the Subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

1.14 Shows that the subdivider has identified all freshwater wetlands with the proposed Subdivision on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district. In reviewing these determinations, the reviewing authority shall at least consider wetlands delineation developed by the Department of Environmental Protection and the Army Corps of Engineers;

1.15 Shows that the subdivider has identified any river, stream or brook within or abutting the proposed Subdivision on any maps submitted as part of the application. For purposes of this Section, river, stream or brook has the same meanings in Title 38, Section 480-B, subsection 9;

1.16 Will provide for adequate storm water management. In making this determination the reviewing authority will consider any storm water management plans submitted with the application and their relationship to topography and drainage;

1.17 Shows that, if any lots have shore frontage on a river, stream, brook or great pond, as these features are defined in Title 38, Section 480-B, none of the lots created within the Subdivision have a lot depth to shore frontage ratio greater than 5 to 1; and,

1.18 Shows that the long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the subdivision.

1.19 Shows that, for any proposed subdivision that crosses the municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions

with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

ARTICLE II AUTHORITY AND ADMINISTRATION

2.1 Authority

- A. These Standards have been prepared in accordance with the provisions of Title 30-A., M.R.S.A. subsection 4401-4407.
- B. These Standards shall be known and may be cited as Subdivision Regulations of the Town of Skowhegan, Maine.

2.2 Administration

- A. The Planning Board of the Town of Skowhegan, 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-A, M.R.S.A., subsection 4401-4407, within the boundaries of the Town of Skowhegan.

2.3 Conflict with Other Ordinances

These Standards shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where these Standards impose a greater restriction upon the use of land or structure, the provisions of these Standards shall control.

2.4 Validity and Severability

If any section or provision of these Standards is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of these Standards.

2.5 Abrogation

This Ordinance repeals and replaces any municipal ordinance previously enacted to control the development of Subdivisions in the Town of Skowhegan.

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:

Cluster Subdivision: A Subdivision in which the lot sizes are reduced below those normally required 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.

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.

Developed Area: Any area on which a site improvement or change is made including buildings, landscaping, parking area, 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 single family houses, manufactured housing, and the units in a duplex, apartment house, multi-family dwellings, and residential condominiums.

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

Freshwater Wetland: A freshwater wetland means freshwater swamps, marshes, bogs and similar areas, which are:

- A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adopted for life in saturated soils; and
- B. Not considered part of a great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of the subsection.

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 acres 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.

Industrial Park or Development: A Subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Mobile Home Park: A parcel or adjoining parcel of land under single ownership, which has been planned and improved for the placement of three or more mobile homes per parcel, but shall not include a construction camp.

Net Residential Acreage: The total acreage available for the Subdivision Plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 11.3.

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

Normal High Water Mark of Inland Waters: That line on the shores of banks on non-tidal waters which is apparent because of the different character of the contiguous 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, sassaparilla, pines, cedar, oaks ashes, elders, elms and maples). In places where the shore or bank is of such character 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.

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

One-Percent Flood (100-Year Flood): The highest level of flood that has a one-percent probability of occurring in any given year.

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 Skowhegan.

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

Principal Structure: Any building or structure in which the main use of the premise takes place.

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which shall show information relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Revision of a Plan: 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.

Solar Collector: A device, or combination of devices, structures, or parts 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.

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 right-of-ways.

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:

Route 2, Route 201, Route 150, and Route 104

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.

Private Right-of-Way: A vehicular access way serving no more than two dwelling units.

Structures:

Residential: Any building designed and constructed and built as a dwelling.

Industrial: Any building designed and constructed and built for industrial purposes including light and heavy manufacturing.

Commercial: Any building designed, constructed and built for direct sales of goods or services.

Accessory: Any structure accessory to and incidental to the principal structure.

Subdivision: For definition see appendix A.

Subdivision Commercial/ Industrial: Any Subdivision in which one or more lots will be used for commercial or industrial purposes. All Commercial/Industrial Subdivisions shall be reviewed as Major Subdivisions.

Subdivision, Major: Any Subdivision containing five or more lots or dwelling units, or any Subdivision containing a proposed street or an extension of an existing street, or an expansion of any municipal or public facilities or services.

Subdivision, Minor: Any Subdivision consisting of three or four lots or dwelling units, and in which no street is proposed to be constructed.

Substantial Construction: The construction of no less than 30% of the proposed improvements within a subdivision.

Tract, or Parcel of Land: All contiguous land in same ownership, whether or not the tract is separated at any point by an intermittent or nonnavigable stream, or a private road established by the abutting land owners.

Variance: A setting aside of provisions of the subdivision standard. Variance shall only be granted in cases of undue hardship.

Waiver: A modification of specific requirements of the subdivision standards that does not nullify the intent and purpose of the Comprehensive Plan or the Subdivision Standards, or fail to meet criteria of the State Subdivision Law.

ARTICLE IV ADMINISTRATIVE PROCEDURE

- 4.1 Purpose: The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing Subdivision.
- 4.2 Agenda: In order to avoid unnecessary delay 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 seven calendar days in advance of the regularly scheduled meeting.
- 4.3 State Requirements: In reviewing any subdivision, the Board will follow, at a minimum, the review procedure contained in Title 30-A M.R.S.A § 4403.

ARTICLE V PREAPPLICATION

5.1 Procedure:

- A. Applicant presentation and submission of sketch plans to the Planning Board. This step is required for both minor and major Subdivisions.
- B. Question and answer period. Board make specific suggestions to be incorporated by the applicant into subsequent submission.
- C. Scheduling of on-site inspection.

5.2 Submission: The applicant shall submit a preapplication Sketch Plan to the Board at least seven (7) calendar days prior to a scheduled meeting of the Board. The 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 penciled 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 super-imposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. 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 outline of the Proposed Subdivision.

5.3 Contour-Interval and On-Site Inspection: Within thirty (30) days of presentation of the Sketch Plan 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. The applicant shall, if requested by the Board, place "flagging" at the center of any proposed streets and at the approximate intersections of the street center lines and lot corners prior to the on-site inspection.

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 § 302.

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 of a Major Subdivision.

6.2 Procedure:

- A. Within ninety (90) days, or within another time limit mutually agreed to by the Board and the subdivider, after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Final Plan at least seven (7) calendar days prior to a scheduled meeting of the Board. Failure to do so may 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 in writing during the preapplication review process.
- B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by a application fee of \$80.00 payable by check to the municipality. The Planning Board shall issue a dated receipt to the subdivider for the application and the application fee.
- 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 and that it will be reviewed at a specific date.

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 (10) days prior to the hearing.

If any portion of a subdivision crosses municipal boundaries, the reviewing authorities from each municipality shall meet jointly to discuss the application.

The Board shall notify the Town Manager and the Municipal Department Heads of the proposed subdivision. The Board shall request that these officials comment on the adequacy of their capital facilities to service the proposed subdivision.

- D. Within thirty (30) days after receipt of an application the Planning Board shall notify the applicant, by first class mail, in writing, that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application.
- E. The subdivider, or a representative of the subdivider duly authorized in writing, shall attend the meeting of the Board to discuss the Final Plan.

- F. Within sixty (60) days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed by the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board specifies in writing its findings of facts and reasons for any conditions or denial.

6.3 Submissions

- A. The subdivision Final Plan for a Minor Subdivision shall consist of one (1) reproducible, stable-based transparent original, to be recorded at the Registry of Deeds, and three (3) copies of one or more maps or drawings drawn to scale of not more than one hundred feet (100') to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred feet (200') to the inch, provided all necessary details can be easily read. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches (2") outside of the border lines on the left side for binding and one inch (1") margin outside the border on the remaining sides. Space shall be provided for endorsement by the Board, and for recording at the Somerset County Registry of Deeds. The Final Plan shall be signed and sealed by the professional land surveyor under whose responsible charge they were completed. Three (3) copies of all information accompanying the Plan shall be submitted.

The application for approval of a Minor Subdivision will be submitted on forms provided by the Planning Board and 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. Verification by the subdivider of right, title or interest in the property.
3. A copy of the deed from which the survey was based and a legal description of the property if one is not included in the deed. A copy of all deed restrictions, easements, right-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 water supply system(s) to be used in the Subdivision.
 - a. When water is to be supplied by public water supply, a written statement from the water company shall be submitted indicating there is adequate supply and pressure for both domestic use and fire protection for the subdivision and approving the plans for extensions where necessary. Where the water company's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location, type, height above grade; size of outlets; of fire hydrants (if any) and a written statement from the water company approving the design of the extension shall be submitted.
 - b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a geologist familiar with the area.
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 the public sewer, a written statement from the supervisor of the Pollution Control Facility stating the facility and lines have 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 analyses, prepared by a Licensed Site Evaluator, shall be provided. A map showing the location of all test pits dug on the site shall be submitted. (Form HHE 2000)
8. A copy of the 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 shall require the submittal of a High Intensity Soil Survey or a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
9. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
10. A drainage plan and/or a stormwater management plan.
11. Copies of any permits required by Maine Department of Transportation, Maine Department of Environmental Protection, or the Army Corps of Engineers.

B. The Plan for a Minor Subdivision shall contain the following:

1. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distance, made and certified by a professional 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.
2. Proposed name of the Subdivision, or identifying title, the name of the town, the date the Plan was prepared, north arrow, graphic map scale, names and address of the record owner, subdivider, and individual or company who prepared the Plan.
3. Perimeter lines of the tract or parcel of land to be subdivided, showing names and Assessor's map and lot number of all abutting land owners, lengths, azimuths, and deflection angles of all straight lines, lengths or acres, chords and radii of any curves, closure errors and method of closure, monuments found and located during survey, area of tract or parcel to be subdivided, lowest Mean Sea Level point within the Subdivision.

Proposed Lot lines showing lengths and azimuths of all straight lines, lengths or arcs, chords and radii of any curves and permanent monument locations on all corners of each lot; and acreage of each lot.
4. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
5. If any portion of the Subdivision is in a flood-prone area, the boundaries of any flood hazard area and the 100-year flood elevation shall be delineated on the Plan.
6. The location of any shoreland zoning boundaries affecting the Subdivision.
7. Site location map inset, tied to the nearest identified intersection, based on the Assessor's map indexes.
8. The location, on each lot of the subsurface sewage test site.
9. The size, type and location of street lights, electric and telephone lines and other utilities designed to service the subdivision.

6.4 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 30-1 M.R.S.A. subsection 4401-4407, 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. After the mylar original is signed by the Planning Board, the developer will make one (1) mylar copy and five (5) paper copies. The Mylar copy of the signed plan shall be retained by the Board as part of the permanent record. One copy of the signed Plan shall be forwarded to the Tax assessor. One copy of the signed Plan shall be filed with the Town Clerk. One copy of the signed Plan shall be forwarded to the Code Enforcement Officer. One copy and the mylar original will be recorded at the Somerset County Registry of Deeds. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the Plan is approved and signed by the Board, shall become null and void.

- C. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and enforced in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Article IX. The Board shall make findings that the revised Plan meets the Standards of Title 30-A M.R.S.A. §§4401-4407, subsection 3, and these regulations. In the event that a Plan is recorded without complying with this requirement, the Board shall place a notice in the Registry of Deeds and the subdivider shall be responsible for meeting all requirements of this Ordinance and shall face a fine of not less than \$100 nor more than \$2,500.
- D. The approval by the Board of a Subdivision Plan shall not be deemed to constitute or can 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 areas 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 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.
- E. Failure to complete construction of the roads and required improvements within five (5) years of the date of approval and signing of the Plan shall require re-examination of the Plan by the Board. This re-examination will be subject to the Subdivision Standards then in effect and the Board may impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period. If the Board determines 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 VII PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure:

A. Within ninety (90) days, or within another time limit mutually agreed to by the Board and the subdivider, after the on-site inspection by the Board, the subdivider shall submit an application for approval of a preliminary Plan at least seven (7) days prior to a scheduled meeting of the Board. Failure to do so may 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, in writing, by the Board.

B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$25.00 per lot or dwelling unit, payable by check to the municipality. The Planning Board shall issue a dated receipt to the subdivider for the application and for the application fee.

An additional fee may be charged if the Planning Board needs assistance from an attorney, engineer or other independent consulting service. The consultant's fee shall be paid in full by the applicant within ten (10) days after the Town submits a bill to the applicant. Failure to pay the bill shall be grounds for denial of the application. A consultant shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Planning Board may appeal that decision to the Board of Appeals.

C. Within seven (7) days of receipt of a Preliminary Plan application form and fee, the Board shall notify, by first class mail, all owners of abutting property that an application for Subdivision approval has been submitted.

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 (10) days prior to the hearing.

D. Within thirty (30) days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant, by first class mail, whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

E. The Board shall hold a public hearing on the Preliminary Plan application. The Board shall hold the hearing within thirty (30) days of determining it has received 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 (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

The Board shall notify the Town Manager and the Municipal Department Heads of the proposed Subdivision.

The Planning Board shall request that these officials comment upon the adequacy of their capital facilities to service the proposed Subdivision.

If any portion of the Subdivision crosses municipal boundaries, the reviewing authorities from each municipality shall meet jointly to discuss the application.

The subdivider, or a representative of the subdivider duly authorized in writing, shall attend the meeting of the Board to discuss the Preliminary Plan or the Board will table the application.

F. The Board shall, within thirty (30) days of a public hearing, or within another time limit as may be otherwise mutually agreed 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 fact and reasons for any conditions or denial.

G. When granting approval to a Preliminary Plan, the Board shall state, in writing, 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 are 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 pre-requisite to the approval of the Final Plan (See Section XIII).

H. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve 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 within 1,000 feet of the proposed Subdivision, or any distance mutually agreed upon by the Board and the subdivider.
2. Locations and names of existing and proposed streets and locations of water, sewer, and drainage.
3. Boundaries and designations of any shoreland zoning districts or flood hazard areas.
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 (3) 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 scale of not more than one hundred feet (100') to the inch. The Board may allow plans for Subdivisions containing more than one hundred (100) acres to be drawn at a scale of not more than five hundred feet (500') to the inch provided all necessary details can easily be read. The following information shall be shown on the Preliminary Plan.

1. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level. (Most common contour interval is five feet (5'))
2. The number of acres within the proposed Subdivision, location of property lines, existing buildings, water courses, vegetative cover type, and other essential existing physical features.
3. 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.
4. The location of any shoreland zoning boundaries affecting the Subdivision.
5. The boundary lines of the tract being subdivided and the proposed lot lines with approximate dimensions and lot areas.
6. 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.

7. The size, type and location of street lights, electric and telephone lines and other utilities designed to service the subdivision.

C. Application: The following information shall be contained in the Preliminary Plan application:

Proposed name of the Subdivision and the name of the municipality in which it is located, plus the Tax Assessor s map and Lot numbers.

2. Verification of right, title, or interest in the property.

3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distance made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by monuments.

4. A copy of the deed from which the survey was based. A copy of all covenants or deeds restrictions, easements, rights-of-way, 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. Indication of the type of sewage disposal to be used in the Subdivision.

a. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Supervisor of the Pollution Control Facility indicating there is, or is not, adequate capacity within the facility to transport and treat the sewage shall be submitted.

b. When sewage disposal is to be accomplished by subsurface sewage disposal system, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits on the site shall be submitted. (Form HHE 200 – Page 2 of 3)

7. Indication of the type of water supply system(s) to be used in the Subdivision.

a. When water is to be supplied by public water supply, a written statement from the water company shall be submitted indicating that the company has received and approved the water system design. A written statement shall be submitted from the Fire Chief approving all hydrant type, height above grade, size of outlets and locations; or other fire protection measures deemed necessary.

b. When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller or a geologist familiar with the area.

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

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

10. 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

11. All parcels of land, including streets, proposed to be dedicated to general public use and the conditions of such dedications.

12. The location of any open space to be preserved and a description of proposed improvement and management.

13. 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 shall require the submittal of a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.

14. An estimate of the amount and type of vehicular traffic to be generated in a daily basis and at peak hours.

15. For Subdivisions involving forty (40) or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets. Trip generation rates used shall be the mean value reported in Table 3 of Development and Application of Trip Generation Rates, Kellerco, Inc., published by the Federal Highway Administration, January, 1985 (or current revision).

16. A proposed Performance Guarantee (as required in Article XIII of this Ordinance) for review by the Planning Board, the municipal attorney and the Board of Selectmen.

17. Any other plans or specification as determined by the Board, necessary to review the Final Plan for a Major Subdivision, including, but not limited to, a soil erosion and sedimentation control plan, a preliminary street construction plan and a storm water management plan.

ARTICLE VIII FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure:

A. The subdivider shall, within sixty (60) days, or within another time limit mutually agreed to by the Board and the subdivider, after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan at least seven days (7) prior to a schedule meeting of the Board. If the application for the Final Plan is not submitted within sixty (60) days after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of 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 \$50 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 costs of advertising and postal notification.

C. Prior to submittal 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 of Development Act, Natural Resources Protection Act, Stormwater Management Law or a Wastewater Discharge License if needed.
2. Maine Department of Transportation, under Access Management or Traffic Management Rules.
3. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
4. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
5. Army Corps of Engineers, if dredging or filling in a wetland area, or navigable waterway is proposed.

D. Upon receipt of an application 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.

E. Within thirty (30) days after receipt of an application, the Planning Board shall notify the applicant, by certified mail, in writing, either that the application is a complete application, or if the application is incomplete, the specific additional material needed to make a complete application.

F. The subdivider, or a representative of the subdivider duly authorized in writing, shall attend the meeting of the Board to discuss the Final Plan.

G. A public hearing may be held by the Planning Board within thirty (30) 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 (2) times, the date of the first publication to be at least seven (7) days before the hearing and the notice of the hearing shall be posted in at least three (3) prominent places at least (7) days prior to the hearing.

H. The Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief, and the Fire Chief of the proposed Subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characters 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.

I. Before the board grants approval of the Final Plan, the subdivider shall meet the Performance Guarantee requirements contained in Article XII.

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, within thirty (30) days from the public hearing or within sixty (60) days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusion relative to the standards contained in Article I. If the Board finds that all standards have been met, they shall approve the Final Plan. If the Board finds that any of the standards have not been met, the Board shall either deny the application or approve the application with conditions shall be stated in the records of the Boards.

8.2 Submissions

- A. Final Plan: the Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet (100') 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 (200') to the inch provided all necessary detail can be easily read. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches (2") outside of the border line on the left side for binding and one inch (1") margin outside the border on the remaining sides. Space shall be provided for endorsement by the Board, and for recording at the Somerset County Registry of Deeds. One (1) reproducible, stable-based transparent original, and three (3) copies of the Plan shall be submitted. The Final Plan shall be signed and sealed by the professional land surveyor under whose responsible charge they were completed.

The Final Plan shall include all information contained in the Preliminary Plan plus the following information:

1. Proposed name of the Subdivision and the name of the municipality in which it is located, plus the 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 tract, and all lots, 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.
3. The number of acres within the proposed Subdivision, and within each lot, the location of property lines, existing buildings, watercourses, and other essential existing physical features.
4. Indications of the type of sewage disposal to be used in the Subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Sewer District indicating the District has reviewed and approved the sewer design shall be submitted. When sewage disposal will be accomplished on-site, the location of the subsurface sewage test site.
5. Indication of the type of water supply system(s) to be used in the Subdivisions.
 - a. When water is to be supplied by public water supply, a written statement from the water district shall be submitted indicating the district has reviewed and approved the system design. A written statement shall be submitted for the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.
 - b. When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller or a geologist familiar with the area.
6. The date the Plan was prepared, magnetic and true north arrow, graphic map scale, names and addresses of the record owner, subdivider and individual or company who prepared the Plan.
7. The location of any Shoreland Zoning boundaries affecting the Subdivision.
8. The location and size of existing and proposed sewers, water mains, culverts and drainage ways on or adjacent to the property to be subdivided.
9. The location, names, and present widths of existing and proposed streets, highway, 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 line, the deflection angles, radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

10. 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.

11. The size, type, and location of street lights, electric and telephone lines and other utilities designed to service the subdivision.

B. The application for Final Plan approval shall consist of the Final Plan and the following:

1. A Soil Erosion and Sedimentation Control Plan, prepared in accordance with or at least equivalent to the standards contained in the latest revised edition of the Environmental Quality Handbook published by the U.S. Soil Conservation Service.

2. A plan for the disposal for surface drainage waters prepared by a Registered Professional Engineer, in accordance with or at least equivalent to the latest revised edition of Technical Release 55, Urban Hydrology for Small Watersheds, published by the U.S. Soil Conservation Service.

3. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on 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 cession shall be included.

4. A list of construction items with cost estimate that will be completed by the developer before lots or dwellings will be occupied.

5. The properly executed Performance Guarantee, as specified by the Board and in conformance with Article XIII of these Standards.

6. A road construction plan for all proposed roads in the Subdivision. The road construction plan will conform to Article XII of these Standards.

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 30-1 M.R.S.A. subsection 4401-4407, 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. After the mylar original is signed by the Planning Board, the developer will make one (1) mylar copy and five (5) paper copies. The Mylar copy of the signed plan shall be retained by the Board as part of the permanent record. One copy of the signed Plan shall be forwarded to the Tax assessor. One copy of the signed Plan shall be filed with the Town Clerk. One copy of the signed Plan shall be forwarded to the Code Enforcement Officer. One copy and the mylar original will be recorded at the Somerset County Registry of Deeds. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the Plan is approved and signed by the Board, shall become null and void.
- C. No changes, erasures, modification, or revisions shall be made in any Final Plan 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 shall make findings that the revised Plan meets the Standards of Title 30-A, Section 4401-4407, Subsection 3, and these regulations. In the event that a Plan is recorded without complying with this requirement, the Board shall place a notice in the Registry of Deeds and the subdivider shall be responsible for meeting all requirements of this Ordinance and shall face a fine of not less than \$100 nor more than \$2,500.
- D. 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 area. 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.
- E. Failure to complete construction of roads and required improvements in the Subdivision within five (5) years of the date of approval and signing of the Plan shall require re-examination of the Plan by the Board. This re-examination will be subject to the Subdivision Standards then in effect and the Board may impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period. If the Board determines that a Subdivisions approval has expired under this paragraph, or proposes additional terms or conditions, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE IX REVISIONS TO APPROVED PLANS

9.1 Procedure:

A. An applicant for a revision to a previously approved Plan shall, at least seven (7) days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda.

If the revision involves modifications of an approved plan without the creation of lots or dwelling units, or involves the creation of one to four additional lots or dwelling units, the procedure for a Minor Subdivision will be followed.

If the revision involves the creation of more than four lots or dwelling units, the procedure for a Major Subdivision will be followed.

B. All applications for revision of a previously approved Plan shall be accompanied by an application fee of \$25 per lot or dwelling unit, or a fee of \$20 if no new lot or dwelling unit is created. The Planning Board shall issue a dated receipt to the subdivider for the application and for the application fee.

9.2 Submission:

The applicant shall submit a copy of the approved Plan as well as two (2) reproducible stable-based transparent originals and five (5) copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the Standards of these regulations. The revised plan shall indicate that it is a revision of a previously approved and recorded plan and shall show the book and page in which the original plan is recorded at the Somerset County Registry of Deeds.

9.3 Scope of Review:

The Board's scope of review shall be limited to those portions of the Plan, which are proposed to be changed

The Board shall use the Skowhegan Subdivision Standards currently in effect at the time of review of the proposed revision.

Any lot created by a proposed revision shall meet the size, width and configuration requirements of the said current Standards.

ARTICLE X ENFORCEMENT

10.1 Inspection of Required Improvements:

- A. At least five (5) days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall:
1. Notify the Code Enforcement Officer in writing of the time when they propose 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.
 2. Deposit with the Municipal Officers a check for the amount of fifty dollars (\$50) to pay for the cost of inspection.
- 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 specification 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 is authorized to approve minor modifications due to unforeseen circumstances such as encountering bidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this Section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than one percent (1%), etc., the subdivider shall obtain permission to modify the plans from the Board.
- D. At least annually the Town shall, 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 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, are properly installed, and appear adequate 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 the sale of any lot, the subdivider shall provide the Board with a letter from a Professional 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. All fire hydrants will also be certified to meet construction and capacity specifications.
- 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.

10.2 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. No public utility, water district, sanitary district or any utility company of any kind shall serve an lot in a Subdivision for which a Final Plan has not been approved by the Board.
- E. Development of a Subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.
- F. No lot in a Subdivision may be occupied and no occupancy permit will be issued 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.

G. The Code Enforcement Officer shall be responsible for enforcing the provisions of these Standards and shall have the following powers and duties:

1. To enter property at reasonable hours and to enter any building with the consent of the property owner, occupant or agent to inspect the property for compliance with the provisions of this Ordinance.
2. To issue a summons to any person who violates any provision of the Ordinance.
3. When specifically authorized by the Municipal Officers to represent the municipality in the District Court in the prosecution of alleged violations of the Ordinance.

H. The Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the provisions of this Ordinance in the name of the municipality. The Municipal Officers, or their designated agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. If, however, the Municipality is the prevailing party it may collect attorney's fees and court costs.

I. Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved under this ordinance and under Title 38, chapter 3, subchapter 1, article 6 481-490, where applicable, shall be penalized in accordance with Title 30-A, section 4452.

J. Any person who, after receiving approval from the Planning Board or approval under Title 38, chapter 3, subchapter 1, article 6 481-490, and recording the plan at the registry of deeds, constructs or develops the subdivision, or transfer any lots in a manner other than depicted on the approved plans or amendments or in violation of any condition imposed by the Planning Board or the Department of Environmental Protection, when applicable, must be penalized in accordance with Title 30-A, section 4452.

K. Any person who sells, leases or conveys for consideration any land or dwelling unit in a subdivision approved under this ordinance and exempt from Title 38, chapter 3, subchapter 1, article 6, 481-490, because of the operation of Title 38, Section 488, Subsection 5, shall include in the instrument of sale, lease or conveyance a covenant to the transferee that all the requirements of Title 38, section 488, subsection 5, have been, and will be satisfied.

ARTICLE XI 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.

11.1 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 Federal, State, and local Codes and Ordinances.

11.2 Retention of Open Spaces and Natural or Historic Features:

A. The Plan may, by notes on the Final Plan and deed restriction, limit the clearing of trees to those areas designated on the Plan.

B. The Board may require the reservation of open space in order to provide for the recreational needs of the occupants of the Subdivision or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the proximity of the Subdivision to the neighboring dedicated open space or recreation facilities; the needs identified in the municipal Comprehensive Plan or Recreation Plan for open space or recreation facilities in the neighborhood surrounding the Subdivision; the type of development and the demographic characteristics of potential residents in the Subdivision; and the density or lot sizes of the development.

C. Land reserved for Open Space purposes shall be of a character, configuration and location suitable for the particular use 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 total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 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 (25') 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 sufficient area for trails, lookouts, etc., where necessary and appropriate.

D. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.

E. The Board may require that the development plans include a Landscape Plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, graded contours streams and the preservation of scenic, historic, or environmentally significant area. Cutting of trees on the northern borders of lots should be avoided as far as possible, to retain a natural wind buffer.

F. If the proposed Subdivision contains any identified historical or archeological sites, or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program or by the Maine Natural Heritage Program as rare and irreplaceable natural areas, these areas shall be included in the open space, and suitably protected by appropriate covenants and management plan. The subdivider will be responsible for contacting the State Historic Preservation Office and the State Planning Office in making these determinations.

G. Any public rights of access to the shoreline of a water body or to abutting property shall be included by means of easements or right-of-way, or should be included in the open space, with provisions made for continued public access.

11.3 Land Not Suitable for Development: The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the Minimum Lot Size Law.

A. Land which is situated below the normal high water mark of any water body.

B. Land which is located within the 100 year frequency flood plain as identified by the Federal Emergency Management Agency unless the subdivider shows proof through the submittal of materials prepared by a Professional Land Surveyor which shows that the property in question lies at least one foot above the 100 year flood level. The elevation of filled or man-made land shall not be considered.

C. Land which is part of a right-of-way, or easement, including utility easements.

D. Land which has a water table within ten (10") inches of the surface for at least three (3) months of the year as identified by the County Soil Survey. The Board may use such lands in the lot area calculations if municipal sewage collection and treatment is provided and if the lot(s) are to be deed restricted to prohibit buildings with basements or require basement floor elevations one foot above the seasonal water table.

E. Land that has been created by filling or draining a pond or wetland.

F. Land in the Resource Protection District of the Shoreland Zone.

G. Any wetlands as defined by the Department of Environmental Protection or the Army Corps of Engineers.

H. Land with sustained slopes of twenty-five percent (25%) or greater.

11.4 Blocks: Where street lengths exceed 1,000 feet between intersection with other streets, the Board may require an utility/pedestrian easement, at least twenty (20') feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five (5') feet in width constructed in accordance with design Standards in Section 12.2L.

Maintenance obligations of the easement shall be included in the written description of the easement.

11.5 Lots:

A. All lots shall be contiguous and shall not be less than one hundred feet (100') in width and contain not less than 10,000 square feet if located on an existing street with a sanitary sewer main, or the lots will be located on a proposed street which is to contain a sanitary sewer main; all lots not serviced by a sanitary sewer main shall have a minimum of two hundred (200') feet frontage on an existing or proposed street and contain not less than 40,000 square feet.

B. Lots for multi-family dwelling, shall have a minimum of two hundred (200') feet of frontage on an existing or proposed street and shall contain a minimum of 10,000 square feet for the first dwelling unit and 5,000 square feet for each additional dwelling unit, if to be connected to a sanitary sewer main. All other multi-family dwelling lots shall have a minimum of (200') feet of road frontage and shall contain a minimum of 20,000 square feet for the first dwelling unit and sufficient additional square footage to satisfy the requirements of the Maine Plumbing Law but shall in no case have less than 5,000 square feet for each additional dwelling unit

C. Commercial and industrial subdivision shall have a minimum of one hundred (100') feet of frontage on an existing or proposed street and shall contain a minimum of 10,000 square feet for each building or building division if the subdivision is to be connected to a sanitary sewer. All other commercial or industrial subdivisions shall have a minimum of two-hundred (200') foot road frontage and shall contain a minimum of 20,000 square feet for each unit.

D. Mobile Home Park subdivision lots shall not be less than fifty (50') feet in width, and contain not less than 6,500 square feet when they are to be connected to a sanitary sewer main. Lots not served by a sanitary sewer main shall contain a minimum of 20,000 square feet.

E. Where permitted in the Shoreland Zoning area, and/or Flood hazard area, all lots shall comply with the provisions of the Shoreland Zoning Ordinance and/or Flood Plain Management Ordinance.

F. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.

G. 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 to maximize solar energy gain.

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

I. 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.

J. 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.

K. The ratio of lot length to width shall not be more than five to one (5:1) except where the rural setting of the lot and topographic configuration of the land will permit a greater ratio and deed covenants or other restriction prevent the resubdividing of the lot. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

L. Where a Major Subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street when a collector street can be utilized. This requirement shall be noted on the Plan and in the deed of any lot with frontage on the arterial street.

11.6 Utilities:

A. Where practical to do so, utilities to service structures shall be installed underground. Primary services may be located above ground.

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

C. The site, type and location of streetlights, electric, telephone and other utilities shall be shown on the Plan and approved by the Board.

D. The location and size of any underground storage tanks, and certification that they will be installed to DEP's specifications, shall be shown on the Plan.

11.7 Required Improvements: The following improvements are required for all Subdivisions unless waived by the Board in accordance with provisions of these regulations:

Ownership and responsibility, for repair and maintenance, of all required improvements in a subdivision will remain with the developer/owner or successor until such time as the improvements are accepted by the legislative body of the Town of Skowhegan.

A. Monuments:

1. Stone monuments, or iron pins, 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, or iron pins, 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. Stone monuments shall be a minimum of four (4") inches square at the top and four (4') 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 pints described above.
4. Iron pins shall be of adequate size (no less than 1/4" bar) to identify corners and shall bear the number of the professional land surveyor who installed them.
5. All other Subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monument.

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 water company 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 water company or district and the Fire Chief.
2. When the location of a Subdivision does not allow for a financially reasonable connection to a public water supply system, based on a cost benefit analysis, the Planning Board may allow the use of individual wells or a private community water system.
 - a. 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)

b. The subdivider may construct ponds and dry hydrant to provide for adequate water storage for fire fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrant where necessary. In considering the requirement for fire ponds, the Board will accept 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 500 feet of the proposed Subdivision at its nearest point, measured along the center line of an existing street. The Supervisor of the Pollution Control Facility shall certify that providing service to the proposed Subdivision is within the capacity of the system's collection and treatment system.

b. The Road Commissioner and/or Pollution Control Facility Supervisor shall review and approve in writing the construction drawings for the sewage system.

2. Private Systems: 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.

D. Surface Drainage: The Storm Water Management Plans submitted in accordance with Section 12.4 shall be installed.

11.8 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 to prevent soil erosion and to minimize storm water runoff.

11.9 Cluster Developments:

A. Purpose: The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed. To this end, the layout, and dimensional requirements of this Ordinance may be altered without restriction except height limitations.

B. Basic Requirements

1. All the requirements and standards of these regulations, except those dealing with lot layout and dimensions shall be met.
2. The minimum area of land in a Cluster Development shall be five (5) acres, except where there is public water and sewer.
3. The Plan shall indicate the location of all proposed roads, structures, parking areas, footpaths and common open space.
4. No building shall constructed on soil types classified by the Natural Resource Conservation Service as being poorly or very poorly drained.
5. Where a Cluster Development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
6. In Cluster Development with individual lot sizes of 20,000 square feet or less, all dwelling units shall be connected to a common water supply and distribution system, either public or private.
7. In Cluster Developments with individual lot sizes of 20,000 square feet or less, all dwelling units shall be connected to a public sewer system or to a central collection and treatment system.
8. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south facing slopes, and natural drainage areas, in accordance with an Overall Plan for site development and landscaping.

11.10 Dedication and Maintenance of Common Open Space and Services:

1. All common land facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a Homeowners Association, or by an association which has its principal purpose the conservation or preservation of land in essentially its natural conditions.
2. Further Subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for

underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.

3. The common open space shall be shown on the Final Plan with appropriate notation on the Plan to indicate that:

- a. It shall not be used for future building lots; and
- b. A part or all of the common open space may be dedicated for acceptance by the municipality.

4. If any or all of the common open space and services are to be reserved for use by the residents, the by-laws of the proposed Homeowners Association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan Approval.

5. Covenants for mandatory membership in the Homeowners Association, setting forth the owners rights, interests and privileges in the Association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.

6. The Homeowners Association shall have the responsibility of maintaining the common property.

7. The Association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.

8. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the Association has taken place.

11.11 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 lot in the Subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100 year flood elevation. Such restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area

11.12 Impact on Ground Water:

- A. When a hydrogeologic assessment is submitted, the assessment should contain at least the following information:

1. A map showing the basic soils types.
2. The depth to the Water table at representative points throughout the Subdivision.
3. Drainage conditions throughout the Subdivision.
4. Data on the existing ground water quality, either from test wells in the Subdivision or from existing wells on neighboring properties.
5. An analysis and evaluation of the effect of the Subdivision on ground water resources. In the case of residential development, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentration at any wells within the Subdivision, at the Subdivision boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For Subdivisions within the watershed of a lake, projections of the Subdivision's impact on ground water phosphate concentrations shall also be provided.
6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the Subdivision and within 200 feet of the Subdivision boundaries.

B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming sixty percent of annual average precipitation).

C. No Subdivision shall increase any contaminant in the ground water to more than one-half of the Primary Drinking Water Standards. No Subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

D. If ground water contains contaminants in excess of the Primary Standards, and the Subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

E. If ground water contains contaminants in excess of the Secondary Standards, the Subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

F. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

11.13 Access Control and Traffic Impacts:

A. General: Provision shall be made for vehicular access to the Subdivision and circulation within the Subdivision in such a manner as to safeguard against hazards to traffic and pedestrians in existing streets and within the Subdivision, to avoid traffic congestion on any street, and to provide safe and convenient circulation on public streets and within the Subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below:

1. The vehicular access to the Subdivision should be arranged, whenever possible, to avoid traffic use of existing local residential streets.
2. Where a lot has frontage on two (2) or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
3. The street giving access to the Subdivision and neighboring streets which can be expected to carry traffic to and from the Subdivision shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed Subdivision.
4. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, and traffic controls within public streets.
5. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
6. Where topographic and other conditions allow, provisions shall be made for circulation access connections to adjoining lots of similar existing or potential use:
 - a. When such access connection will facilitate fire protection services as approved by the Fire Chief; or
 - b. When such access will enable the public to travel between two (2) existing or potential uses, generally open to the public, without need to travel upon a street.

B. Subdivision Access Design for a Subdivision Entering onto Arterial Streets: (Arterial Streets in Skowhegan are Route 104, Route 150, Route 201, Route 2). When the access to a Subdivision is a street, the street design and construction standards of Article XII shall all be met. Where there is a conflict between the standards in this Section and the standards of Article XII, the standards of the

Skowhegan Streets and Sidewalks Ordinance, or the Maine Department of Transportation Access Management Rules, the stricter or more stringent shall apply:

1. General: Access design shall be based on the estimated volume using the access classification defined below:

- a. Low volume Access: Less than twenty-five (25) vehicle trips per day.
- b. Medium Volume Access: Any access that is not a low volume or high volume access.
- c. High Volume Access: Peak hour volume of 400 vehicles or greater.

2. Sight Distances: Access shall be designed in profile and grading, and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver’s seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of ten (10') feet behind the curb line or edge of shoulder, with the height of the eye 3 ½ feet to the top of an object 4 ½ feet above the pavement. The required sight distances are listed below for various posted speed limits:

- a. Two Lane Roads: A sight distance of ten (10') feet for each mile per hour of posted speed limit shall be maintained or provided.
- b. Four Lane Roads: The sight distance provided below are based on passenger cars exiting from accesses onto four (4) lane roads and are designed to enable exiting vehicles:

- (1) Upon turning left or right to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than ten (10) miles per hour, and
- (2) Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left.

Operating Speed (MPH)	Safe Sight Distance Left (Ft)	Safe Sight Distance Right (Rt..)
20	130	130
30	220	260
40	380	440
50	620	700

3. Vertical Alignment: Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume accesses shall slope upward or downward from the gutter line on a straight slope of two percent (2%) or less for at least twenty-five (25') feet followed by a slope of no greater than ten percent (10%) for the next fifty (50') feet. The maximum grade over the entire length shall not exceed fifteen (15%) percent. Medium and high volume accesses should slope upward and downward from the gutter line on a straight slope of two (2%) percent or less for at least twenty-five (25') feet. Following this landing area, the steepest grade on the access shall not exceed eight (8%) percent.

4. Low Volume Accesses:

- a. Skew Angle: Low Volume accesses shall be two-way operation and shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.
- b. Curb Radius: The curb radius shall be between five (5') feet and fifteen (15') feet, with a preferred radius of ten (10') feet.
- c. Access Width: The width of the access shall be between twelve (12') feet and sixteen (16') feet, with a preferred width of sixteen (16') feet.
- d. Curb cut width: Curb-cut width shall be between twenty-two (22') feet and forty-six (46') feet, with a preferred width of thirty-six (36') feet.

5. Medium Volume accesses:

- a. Skew Angle: Medium volume access shall be either one-way or two-way operation and shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.
- b. Curb Radius: Curb radii will vary depending if the access is one-way or two-way operation. On a two-way access, the curb radii shall be between twenty-five (25') feet and forty (40') feet, with a preferred radii of thirty (30') feet. On one-way accesses, the curb radii shall be thirty (30') feet for right turns into and out of the site, with a five (5') foot radius on the opposite curb.
- c. Width: On a two-way access the width shall be between twenty-four (24') and twenty-six (26') feet, with a preferred width of twenty-six (26') feet, however where truck traffic is anticipated, the width may be no more than thirty (30') feet. On a one-way access, the width shall be

between sixteen (16') feet and twenty (20') feet, with a preferred width of sixteen (16') feet.

d. Curb-Cut Width: On a two-way access the curb-cut width shall be between seventy-four (74') feet and one hundred (100') feet with a preferred width of eighty-six (86') feet. On a one-way access, the curb-cut width shall be between forty-six (46') feet and seventy (70') feet with a preferred width of fifty-one (51') feet.

6. High Volume Access:

a. Skew Angle: High volume accesses shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

b. Curb Radius: Without channelization islands for right turn movements into and out of the site, the curb radii shall be between thirty (30') feet and fifty (50') feet. With channelization islands, the curb radii shall be between seventy-five (75') feet and one hundred (100') feet.

c. Curb-cut Width: Without channelization, curb cut width shall be between one hundred-six (106') feet and one hundred sixty-two (162') feet with a preferred width of one hundred fifty-four (154') feet. With channelization, the curb cut width shall be between one hundred ninety-six (196') feet and two hundred sixty-two (262') feet with a preferred width of two hundred fifty-four (254') feet.

d. Entering and exiting access shall be separated by a raised median which shall be between six (6') feet and ten (10') feet in width. Medians separating traffic flows shall be no less than twenty-five (25') feet in length, with a preferred length of one hundred (100') feet.

e. Width: Access widths shall be between twenty (20') feet and twenty-six (26') feet on each side of the median, with a preferred width of twenty-four (24') feet. Right turn only lanes established by a channelization island shall be between sixteen (16') feet and twenty (20') feet, with a preferred width of twenty (20') feet.

f. Appropriate traffic control signage shall be erected at the intersection of the access and the street, and on medians and channelization islands.

7. Special Case Access: Special case access are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These accesses are appropriate on roadway segments where there is raised median and no median breaks are provided opposite the

proposed access. These accesses are usually located along the approach to major signalized intersections where a raised median may be provided to protect left turning vehicles and separate opposing traffic flows.

a. Perpendicular Driveways:

1. Curb Radii: Curb radii shall be between thirty (30') feet and fifty (50') feet, with a preferred radius of fifty (50') feet.

2. Access Width: Access width shall be between twenty-six (26') feet and thirty (30') feet with a preferred width of thirty (30') feet. On two-way accesses, a triangular channelization island shall be provided at the intersection with the street. On each side of the island, the one-way drive shall be between fifteen (15') feet and twenty-four (24') feet with a preferred width of twenty (20') feet.

3. Curb-Cut Width: The total curb-cut width shall be between eighty-six (86') feet and one hundred thirty (130') feet with a preferred width of one hundred thirty (130') feet.

4. Channelization Island: The channelization island on two-way accesses shall be raised and curbed, corner radii shall be two (2') feet.

b. Skewed Accesses:

(1). Skew Angle. The skew angle shall be between forty-five (45) degrees and sixty (60) degrees, with a preferred angle of forty-five (45) degrees.

(2) Curb Radii. Curb radii shall be between thirty (30') feet and fifty (50') feet on the obtuse side of the intersection, with a preferred radius of thirty (30') feet. Curb radii shall be between five (5') feet and ten (10') feet on the acute side of the intersection with a preferred radius of five (5') feet.

(3) Access Width. The width of the access shall be between fifteen (15') feet and twenty-four (24') feet with a preferred width of twenty (20') feet. Where entering and exiting accesses meet, the width shall be between twenty-four feet (24') and thirty feet (30'), with a preferred width of thirty (30') feet.

(4) **Curb-Cut Width** The curb-cut width for each access shall be between thirty-five (35') feet and seventy-five (75') feet with a preferred width of forty-two (42') feet.

C. Access Location and Spacing:

1. Minimum Corner Clearance: Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the access. In general, the maximum corner clearance should be provided as practical based on site constraints. Maximum corner clearance are listed below based upon access or street volume and intersection type.

MINIMUM STANDARDS FOR CORNER CLEARANCE

<u>Access Type</u>	<u>Minimum Corner Clearance (feet)</u>	
	<u>Intersection Signalized</u>	<u>Intersection Unsignalized</u>
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250
Right turn in only	50	50
Right turn out only	100	50
Right turn in/out only	100	50

Where the minimum standard for a full access drive cannot be met, only a special case access shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

2. Access Spacing: Access and street intersections shall be separated from adjacent accesses, streets and property lines as indicated in the table below, in order to allow major through routes to effectively serve their primary function of conducting traffic. This distance shall be measured from the access point of tangency to the access tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line.

MINIMUM ACCESS SPACING

<u>Minimum spacing to Property</u>	<u>Minimum Spacing to Adjacent Access by Access Type² (DSP)³ High Special</u>

Access Types	Line (dpl) ¹ (Feet)	Low (Feet)	Medium (Feet)	w/ORT* (Feet)	w/RT** (Feet)	Case (Feet)
Low Volume	5	***				
Medium Volume	10	----	75			
High Volume (w/ORT)*	75	----	75	150		
High Volume (w/RT)**	75	----	75	250	500	
Special Case	10	----	75	75	75	40****

1 Dpl measured from point of tangency of access to projection of property line on roadway edge.

2 For two more accesses serving a single parcel, or from a proposed access from an existing access.

3 Dsp measured from point of tangency of access to point of tangency of adjacent access.

* High volume access without right turn channelization.

** High volume access with right turn channelization.

*** Low volume accesses are not permitted in combination with other access types on a single lot.

**** Right-turn-in-only upstream of right-turn-out-only. Right-turn-out followed by right-turn-in not allowed.

D. Number of Accesses: The maximum number of accesses onto a single street is controlled by the available site frontage and the table above. In additions, the following criteria shall limit the number of accesses independent of frontage length:

1. No low traffic generator shall have more than one two-way access onto a single roadway.

2. No medium or high volume traffic generator shall have more than two (2) two-way accesses or three (3) accesses in total onto a single roadway.

E. Construction Material/Paving:

1. All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization island or medians.

2. All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses regardless of access volume shall be paved with bituminous concrete pavement with thirty (30') feet of the street right-of-way.

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

12.1 General Requirements:

A. The Board shall not approve any Subdivision Plan unless proposed street and storm water management systems are designed in accordance with the specifications contained in these regulations, or if applicable, to the specification of the MDOT Highway Design Guide, or the MDOT Access Management Rules. Approval of the Final Plan by the Board shall not be deemed to constitute or to be evidence of acceptance by the municipality of any street or easement.

B. Subdividers shall submit to the Board, as part of Preliminary and Final Plans, detailed construction drawings showing a Plan view, profile, and typical cross-section of the proposed streets and any existing streets within 300 feet of any proposed intersection. The Plan shall include the following information.

1. Date, scale and magnetic or true north point.
2. Intersections of the proposed street with existing streets.
3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
5. Complete curve data shall be indicated for all horizontal and vertical curves.
6. Turning radius at all intersections.
7. Center line 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 proposed public street the Board shall forward one copy each to the Municipal Officers and the Road Commissioner, for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Road Commissioner for review and comment.

D. Where the subdivider proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.

E. Where the Subdivision streets are to remain private roads, the following worked 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 and shall not be accepted or maintained by the Town.

Additionally, the Board may require the developer to provide the same type and quality of improvements as would be required for any road that would be offered to the Town. Their improvements could include, but are not limited to, school bus shelters, plantings and landscaping, and sidewalks.

12.2 Street Design Standards:

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

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

C. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.

D. Adjacent to a commercial area, 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.

E. 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 indicated 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. When such widening or realignment is indicated on the Official Map, the reserved area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

F. Any Subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two (2) street connections with existing public streets, or streets on any approved Subdivision Plan for which Performance Guarantees have

been filed and accepted. The two (2) connections shall be required unless they are specifically prohibited by MDOT under the Access Management Rules.

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

TYPE OF STREET

Description	Arterial	Collection	Minor	Private Right-of Way	Industrial/ Commercial
Minimum Right-of-way width	80'	60'	50'	50'	60'
Minimum Pavement width	44'	24'	20'	18'	30'
Sidewalk width	8'	5'	5'	N/A	8'
Minimum grade	.5%	.5%	.5%	N/A	.5%
Maximum grade	5.0%	6.0%	8.0%	10%	5.0%
Minimum centerline radius	500'	230'	150'	N/A	400'
Minimum tangent between curves or reverse alignment	200'	100'	50'	N/A	200'
Roadway crown	1/4"/Ft.	1/4"/Ft.	1/4"/Ft.	N/A	1/4"/Ft.
Minimum angle of street intersection**	90 degrees	90 degrees	75 degrees	75 degrees	
Maximum grade within 75 feet of intersection	2.0%	2.0%	2.0%	N/A	2.0%
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)	5'	3'	3'	3'	9'

* Maximum grade may be exceeded for a length of 100 feet or less.

** Street intersection angles shall be as close to 90 degrees as feasible but no less than the listed angle.

*** Should be based on turning radii of expected commercial vehicles, but no less than thirty (30') feet.

H. The center line of the roadway shall be the center line of the right-of-way.

I. Dead End Streets: Whenever possible dead-end streets will be avoided. If a

dead-end street is the only alternative available, then it will be limited to 500 feet in length. (The 500 foot length had been established to facilitate fire fighting and other emergency services. Because of this, any request for a waiver of the 500 foot length will require approval from the Fire Chief, Police Chief, and the Road Commissioner. In addition to the design standards above, dead-end streets should be constructed to provide a turn-around that can accommodate emergency vehicles and snow removal. The Road Commissioner shall approve the turn-around if, after consultation with the Fire Chief, it is determined that the design will serve the provisions of these Standards. The Board may require the reservation of a twenty (20') 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 (50') foot easement in line with the street to provide continuation of the road where future Subdivision is possible.

J. Grades, Intersection, 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 the following minimum stopping distances based on the street design speed:

Design speed (mph)	20	25	30	35
Stopping sight distance (ft)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3.5 feet and the height of object at 0.5 feet.

3. Where new street intersections or driveway curb-cuts are proposed, sight distance, 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: Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of ten (10') feet behind the curb line or edge of shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ½ feet above the pavement.

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-corner) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet (220') shall be maintained between center lines of side streets.

K. Sidewalks: Sidewalks may be required within all Subdivision in the urban compact area. Where installed, sidewalks shall meet these minimum requirements:

1. Bituminous Sidewalks:

- a. The crushed aggregate base course shall be no less than eight (8") inches thick.
- b. The hot bituminous pavement surface course shall be no less than two (2") inches after compaction.

2. Portland Cement Concrete Sidewalks:

- a. The sand base shall be no less than six (6") inches thick.
- b. The Portland Cement concrete shall be reinforced with six (6") inches square, number 10 wire mesh and shall be no less than four (4") inches thick.

L. Granite curbing shall be installed on a thoroughly compacted gravel base of six (6") inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.

12.3 Street Construction Standards:

A. Minimum thickness of material after compaction.

	<u>Street Materials</u>		<u>Minimum Requirements</u>		
	<u>Arterial</u>	<u>Collector</u>	Private <u>Minor</u>	<u>Right-of-way</u> <u>Way</u>	<u>Industrial/</u> <u>Commercial</u>
Aggregate Sub-base course (Max. Sized stone 4")	24"	24"	24"	12"	24"
Crushed Aggregate Base course	4"	3"	3"	3"	4"
Hot Bituminous Pavement Total Thickness	6"	4"	4"		6"
Surface Course	2"	1 1/2"	1 1/2"		2"
Base Course	4"	2 1/2"	2 1/2"		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 (50') 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, large boulders and trees stumps shall be removed from the right-of-way.
3. All organic materials shall be removed to a depth of two (2') feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two (2') feet below the subgrade of the roadway. On soils which have identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two (2') feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.
4. Except in a ledge, cut side slopes shall be no steeper than a slope of three (3') feet horizontal to one (1') foot vertical, and shall be raked, limited, fertilized and seeded according to the specifications of the Erosion and Sedimentation Control Plan. Where a cut results in exposed ledge, a side slope no steeper than four (4') feet vertical to one (1') foot horizontal is permitted.
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: The construction requirements for aggregate base and sub-base course shall be as specified in Subsections 304.03 through 304.0, or successor section, of the most current edition of the M.D.O.T. Standard Specifications Highway and Bridges manual.

- 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 three (3") inch square mesh sieve shall meet the following grading requirements:

Percentage by weight passing

Sieves Designation	Square mesh sieves
½ inch	20-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the sub-base shall contain no particles of rock exceeding four (4") inches in any dimension.

b. 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 three (3") inch square mesh sieve shall meet the following grading requirements:

Sieves Designation	Percentage by weight passing Square mesh sieves
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the sub-base shall contain no particles of rock exceeding four (4") inches in any dimension.

2. Pavement Joint: Where pavements joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
3. Curbs and Gutters: Curbs and gutters shall be installed within the urban compact area, or within any areas designated in the Capital Improvement Plan or Comprehensive Plan as areas of compact development.
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 one (1") inch maximum.
 - b. Minimum standards for the surface layer of pavement shall meet the M.D.O.T. specifications for plant mix with an aggregate size no more than 3/4 inch maximum.
 - c. The construction requirements shall be as specified in Subsections 401.07 through 401.20, or successor section, of the most current edition of the M.D.O.T. Standard Specifications Highway and Bridges manual.

12.4 Storm Water Management Design Standards

A. Adequate provisions shall be made for disposal of all storm water generated within the Subdivisions, 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 construct storm water flows to existing water courses or storm water drains.

1. Where a Subdivision is traversed by a stream, river or surface water drainage , or where the Board feels that surface runoff to be created by the Subdivision should be controlled, there shall be provided easements or drainage right-of-way with swales, culverts, catch basins, or other means of channeling surface water within the Subdivision and over other properties. This storm water management system shall be designed by a Registered Professional Engineer.
 2. Drainage easement for existing water-course or proposed drainage ways shall be provided at least thirty (30') feet wide, conforming substantially with the lines of existing natural drainage.
 3. All components of the storm water management system shall be designed to limit peak discharge to pre-development levels provided every storm between the two (2) year and twenty-five (25) year, twenty-four (24) hour duration, frequencies, based on rainfall data for Portland, Maine. When the Subdivision discharges directly to a major water body, peak discharge may be increased from pre-development levels provided down stream drainage structures are suitably sized.
 4. The minimum pipe size for any storm drainage pipe shall be twelve (12") inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2') feet. Pipe shall be bedded in a fine granular materials, containing no stones larger than three (3") inches, lumps of clay , or organic matter, reaching a minimum of six (6") inches below the bottom of the pipe extending to six (6") inches above the top.
- 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 twenty-five (25%) percent 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 over-load existing or future planned storm water drainage systems downstream for the Subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle storm flows.
- D. Catch Basins shall be installed where necessary and located at the curb line.
- E. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity. 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 improvement of the system.
- F. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

12.5 Storm Drainage Construction Standards:

A. Materials:

1. Reinforced Concrete Pipe: Reinforced Concrete Pipe shall meet the requirements of ASIM Designation C-76 (AASHTOM 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 ASIM Designation C443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTOM 175 for the appropriate diameters.
2. Corrugated Metal Pipe: Corrugated Metal Pipe shall meet AASHTO Designation M 196 for aluminum alloy pipe. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than five (5%) percent.
3. 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 252.
4. Corrugated Plastic Pipe: Corrugated Plastic Pipe shall conform to the requirements of AASHTO M 252.
5. Manholes: Manholes shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASIM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of pre-cast 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 (ASTMA 283, Grade B or better) for structural steel.
6. Catch Basins: Catch basins shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASIM Designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASIM 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 pre-cast 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 (ASTMA 283, Grade or better) for structural steel.

B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of 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.

12.6 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. Clean-up: 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 on-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, 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 as approved by the Board.

12.7 Certification of Construction: As built plans shall be submitted to the Municipal Officers. 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.

ARTICLE XIII PERFORMANCE GUARANTEES

- 13.1 Types of Guarantees: With submittal of the application for Preliminary Plan and 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 and streets, 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 licensed to practice in the State of Maine, approved by the Municipal Officers, or Town Manager;
 - C. An irrevocable letter or line of credit from a financial institutional licensed to practice in the State of Maine, 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.
 - D. An offer of conditional agreement preventing the sale of units or lots until all required improvements have been constructed.

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

- 13.2 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 of or all of the performance Guarantee to the Developers, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.
- 13.3 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 owner or co-owner, and the consent of the municipality shall be required for 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.

- 13.4 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.
- 13.5 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.
- 13.6 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 no lot may be sold or built upon until either:

A. It is certified by the board and the Road Commissioner or their agent that all the required improvements have been installed in accordance with these regulations:

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 portion of the required improvements already installed.

All conditional agreements shall have a time limit for completion specified by the Planning Board.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Somerset County registry of Deeds.

Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 13.7.

- 13.7 Release of Guarantees: Performance Guarantees shall remain in effect for one year after completion of construction unless other arrangements are made, in writing, with the Planning Board and the Board of Selectmen. Prior to the release of any part of the Performance Guarantee, the Board shall determine its satisfaction, in part upon the report of the Code Enforcement Officer (and any other agencies and departments involved) that the improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- 13.8 Default: If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the Plans specifications filed as part of the application, he shall so report in writing to the Municipal Officers, the board and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

13.9 Improvements Guaranteed: Performance guarantees shall be tendered for all improvement required by Section 11.7 of these regulations, and for the construction of the streets.

ARTICLE XIV WAIVERS

14.1 Where the Board makes written findings of fact that are very 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 Comprehensive Plan, or these regulations and provided the criteria of the State Subdivision Law are met.

14.2 Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provisions of certain required improvements are 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 requirements for such improvements, subject to appropriate conditions.

14.3 In granting waivers to any of these regulations in accordance with Sections 14.1 and 14.2, the Board shall require such conditions as will assure the objectives of these regulations are met.

14.4 Waivers to be shown on Final Plan: When the Board grants a waiver to any of the standards of these regulations, the Final Plan shall indicate the waivers granted and the date on which they were granted.

ARTICLE XV APPEALS

15.1 Any person aggrieved by a decision of the Board or the Code Enforcement Officer regarding any proposed Subdivision, or any persons requesting a variance, may appeal to the Board of Appeals- created for such purposes - as provided by Title 30-A M.R.S.A., section 2691.

Any appeal taken to the Board of Appeals under this Ordinance shall be an appellate review and shall be based on the evidence, testimony and information upon which the Planning Board or Code Enforcement Officer made their original decision. No appeal shall be considered to be a “de novo” action.

Any person or Board aggrieved by any decision of the Board of Appeals may appeal such decision to Somerset Superior Court within thirty (30) days.

The Board of Appeals shall grant a variance only when the applicant can prove a condition of undue hardship, as defined in state statute.

APPENDIX A
SUBDIVISION DEFINITION

Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

- A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot. unless:
 - 1. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider’s own use as a single-family residence that has been the subdivider’s principal residence for a period of at least 5-years immediately proceeding the 2nd division; or
 - 2. The division of the tract or parcel is otherwise exempt under this subchapter.
- B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
- C. A lot of 40 or more acres shall not be counted as a lot, except:
 - 1. When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined by Title 38, section 435, or a municipality’s shoreland zoning ordinance; or
 - 2. When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected to count lots of 40 or more acres as lots for the purposes of this subchapter, when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality’s shoreland zoning ordinance.
- D. 1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5-years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood marriage or adoption. A gift under this paragraph can not be given for consideration that is more than ½ the assessed value of the real estate.
5. A division accomplished by gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

1. Expands the definition of subdivision to include the division of a structure for commercial or industrial use; or
2. Otherwise regulates land use activity.

A municipality may not enact an ordinance that expands the definition of subdivision except as provided in this subchapter.

This paragraph is repealed October 1, 2002.

- I. The grant of a bona fide security interest in an entire lot that has been exempt from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.