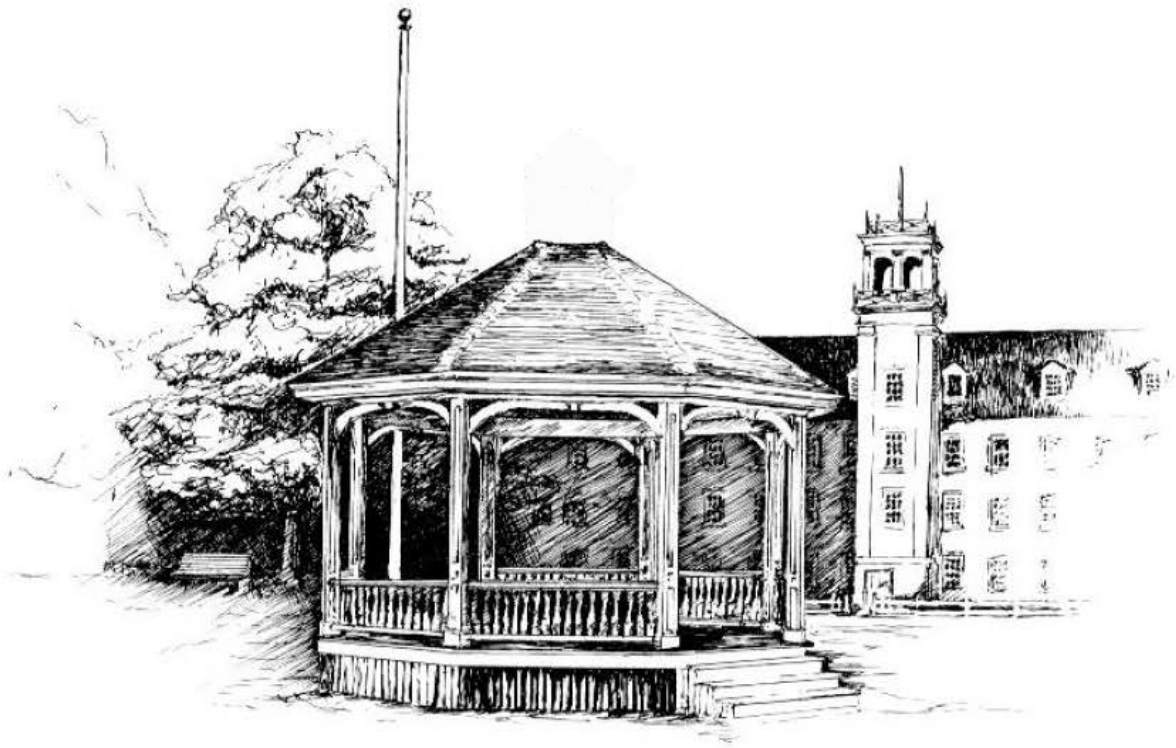
Town of North Berwick, Maine

Subdivision Ordinance

Revised April 12, 2025



MILL FIELD GAZEBO

TABLE OF CONTENTS

Article 1 - Purposes

1.1 Water or Air Pollution 1-1
1.2 Sufficient Water Available 1-1
1.3 Burden on Existing Water Supply 1-1
1.4 Soil Erosion 1-1
1.5 Road Congestion 1-1
1.6 Sewage Disposal 1-1
1.7 Solid Waste/Sewage in Municipal Services 1-1
1.8 Aesthetic, Cultural, Natural Values 1-1
1.9 Conformance 1-1
1.10 Financial & Technical Capacity 1-1
1.11 Surface Waters 1-2
1.12 Ground Water 1-2
1.13 Flood Areas 1-2
1.14 Storm Water 1-2
1.15 River, Stream, Brook 1-2
1.16 Fresh Water Wetlands 1-2

Article 2 - Authority and Administration

2.1 Authority 2-1
2.2 Administration 2-1

Article 3 - Definitions 3-1

Article 4 - Administrative Procedure

4.1 Purpose 4-1
4.2 Agenda 4-1

Article 5 - Preapplication

5.1 Procedure 5-1
5.2 Submissions 5-1
5.3 Contour Interval and On-Site Inspection 5-1
5.4 Rights Not Vested 5-2

Article 6 - Minor Subdivisions

6.1 General 6-1
6.2 Procedure 6-1
6.3 Submissions 6-2

Article 7 - Preliminary Plan for Major Subdivision

7.1 Procedure 7-1
7.2 Submissions 7-2

Article 8 - Final Plan for Major Subdivision

8.1 Procedure 8-1
8.2 Submissions 8-2
8.3 Final Approval and Filing 8-4

Article 9 - Enforcement

9.1 Inspection of Requried Improvements 9-1
9.2 Violations & Enforcement: Prohobited Activities 9-2

Article 10 - General Standards

10.1 Conformance with Comprehensive Plan 10-1
10.2 Retention of Open Spaces and Natural or Historic Features and Provision of Recreational Areas and Facilities 10-1
10.3 Blocks 10-3
10.4 Lots 10-3
10.5 Utilities 10-4
10.6 Required Improvements 10-4
10.7 Land Features 10-7
10.8 Dedication and Maintenance of Common Open Space and Services 10-7

Article 11 - Street and Storm Drainage Design and Construction Standards

11.1 General Requirements 11-1

Article 12 - Performance Guarantees

12.1 Type of Guarantees 12-1
12.2 Contents of Guarantee 12-1
12.3 Escrow Account 12-1
12.4 Performance Bond 12-2
12.5 Letter of Credit 12-2
12.6 Conditional Agreement 12-2
12.7 Phasing Development 12-2
12.8 Release of Guarantee 12-3
12.9 Default 12-3
12.10 Private Roads 12-3
12.11 Improvements Guarantee 12-3

Article 13 - Waivers

13.1 Special Circumstances 13-1
13.2 Required Improvements Not Requisite for the Public Health, Safety, or Welfare 13-1
13.3 Granting of Waivers 13-1

Article 14 - Legal Status Provisions

14.1 Authority 14-1
14.2 Conflicts with Other Laws 14-1
14.3 Separability 14-1
14.4 Repeal of Prior Land Use Ordinances 14-1
14.5 Effective Date 14-1
14.6 Amendments 14-1

Appendix A Title 30-A, Part 2, Subpart 6-A, Subchapter 4, Subdivisions

Appendix B Sample Letter of Credit

Appendix C Sample Storm Drainage Easement

Appendix D Model Notice of Decision for Subdivision Review

Appendix E Typical Cross-Section of Minimum Street Design Standards

Enclosure: North Berwick Application for Subdivision

NOTICE

This Subdivision Ordinance was originally adopted on 8 March 1986 by Town vote at the annual Town Meeting. Subsequent amendments have been made by Town vote at Town Meetings on the following dates:

22 September 1987
30 July 1988
12 March 1990
31 December 1990
17 May 1991
20 June 1992
16 September 1995
24 April 1999
29 April 2000
20 April 2002
1 April 2006
8 April 2017
7 April 2018
15 April 2023
12 April 2025

This printing is current as of 12 April 2025

ARTICLE 1 - PURPOSES

The purposes of this ordinance are to assure the comfort, convenience, safety, health and welfare of the people, of the Town of North Berwick, 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 North Berwick, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this ordinance have been met and that the proposed subdivision will meet the guidelines of Title 30-A, M.R.S.A sections 4401 to 4407. The subdivision:

1.1 Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and sub-soil's and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable State and local health and water resource rules and regulations;

1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;

1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

1.4 Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

1.5 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

1.6 Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

1.7 Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

1.8 Aesthetic, cultural and natural values. The proposed subdivision 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;

1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any;

1.10 The sub-divide has adequate financial and technical capacity to meet the above stated standards;

1.11 Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of wetland, great pond or river as defined in Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shore land strip narrower than 250 feet which is not plotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) the frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shore land zoning, Title 38, chapter 3, subchapter 1, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definition requirements of section 4401, subsection 1, on September 23, 1983;

1.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

1.13 Flood areas. Based on the Federal Emergency Management Agency's Flood boundary and Flood Way 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 sub-divide shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plat approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevations; and

1.14 Storm Water. The proposed subdivision will provide for adequate storm water management;

1.15 River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.

1.16 Freshwater wetlands. All potential freshwater wetlands within the proposed subdivision have been identified 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.

ARTICLE 2 - AUTHORITY AND ADMINISTRATION

2.1 Authority

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

b. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of North Berwick, Maine."

2.2 Administration

a. The Planning Board of the Town of North Berwick, hereinafter called the Board, shall administer these standards.

b. The provisions of these standards shall pertain to all land proposed for subdivision, as defined in Title 30 M.R.S.A., paragraph 4956, subsection 1, within the boundaries of the Town of North Berwick.

ARTICLE 3 - DEFINITIONS

In general, words and terms used in this ordinance 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 the zoning district in which the development is located in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization. clustering shall not be used to increase the overall net residential density of the development.

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

Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of the municipality as defined in Title 30 M.R.S.A., Section 4961.

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 areas, and streets.

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.

High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

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

Normal High Water Elevation of Inland Waters: That line on the shores of banks on non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Water lily, pond lily, pickerel weed, 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, sassperilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the sore or bank is of such character that the high water mark cannot be easily determined, (rock slides, ledges, rapidly eroding or slumping banks) the normal high water elevation shall be estimated from places where it can be determined by the above method.

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

Living 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, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

Net Residential Acreage: The total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined.

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

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

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

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

Planning Board: The Planning Board of the Town of North Berwick, created under Title 30 M.R.S.A., Section 4964.

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

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

Re-subdivision: 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 sub-divide not indicated on the approved plan.

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

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

Subdivision: "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 23, 1971. This definition applies whether the division in 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 such 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 dividing 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 preceding 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 be counted as a lot.

d. 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.

e. 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.

f. 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.

g 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 spouse, parent, grandparent, brother, sister, child, or grandchild related by blood, marriage, or adoption. A gift under this paragraph cannot be given for consideration that is more than ½ the assessed value of the real estate.

h. A division accomplished by gift to 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.

i. 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.

j. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs d to i, 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.

k. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

l. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

m. For the purpose of this Ordinance, the term subdivision shall include such functional divisions of land as shopping center, industrial complexes, condominiums, apartment, mobile home parks, motels and campgrounds, where there are three or more units involved.

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

Subdivision, Minor: any subdivision containing not more than four lots or living units, and in which either no street or only a private road is proposed to be constructed.

Tract, or Parcel, of Land: all contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, tidal waters where there is no flow at low tide, or a private road established by the abutting land owners.

ARTICLE 4 - ADMINISTRATIVE PROCEDURE

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

4.2 Agenda. In order to avid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda by contacting the Chairman of the Planning Board in writing. Applicants shall be placed on the next available slot on the Board's agenda on a first come first served basis. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after agenda items have been completed, and then only if a majority of the Board so votes.

ARTICLE 5 - PREAPPLICATION

5.1 Procedure

a. Applicant presentation and submission of sketch plans;

b. Question and answer period. Board makes specific suggestions to incorporated by the applicant into subsequent submissions;

c. Scheduling of on-site inspection.

d. Establishment of contour interval.

e. Establishment of Escrow Account.

f. A fee in accordance with the fee schedule on file with the Town Clerk

5.2 Submissions. The pre-application 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, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development, in sufficient detail to allow a meaningful on-site inspection. It is required that the sketch plan be superimposed on or accompanied by a copy of the U.S.G.S topographic map of the area showing the outline of the proposed subdivision. A digital copy of the sketch plan shall be submitted.

5.3 Contour Interval and On-Site Inspection. Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision, and hold an on-site inspection of the property. At the time of the on-site inspection the centerline(s) of all proposed streets and property lines will be flagged. On-site inspection will not be scheduled unless all land features including but not limited to seasonal water levels are observable. Snow cover in excess of 2 inches will be considered grounds to postpone site inspection. A Preliminary Plan Application will not be received by the Board until the on-site inspection for that respective subdivision has been completed.

5.4 Notification. Upon receipt of a Preapplication Sketch Plan, the Planning Board shall notify the Planning Consultant and Engineering Firm selected by the Board of Selectmen to assist in the review process and obtain an estimate of the cost of review for the escrow account.

5.5 Escrow Account. The Planning Board shall establish an escrow account to cover all administrative costs of the review of the subdivision. The escrow amount shall include, but not be limited to, the costs related to the per lot review costs defined in article 6.2.b, 7.1.b and 8.1.b, the costs of public hearing advertising and abutter postal notification, the costs of all engineering review by the Town's engineering firm, the costs of all planning review by the Town's planning consultant plus 10%. (Should actual review costs exceed the estimated costs, continued review of the subdivision shall be tabled until additional escrow funds are received.) The escrow shall be placed in a bank selected by the Town of North Berwick for unrestricted use by the Municipal Officials, Code Enforcement Officer and Planning Board in order to adequately review the subdivision plans, and defray any other consultant's fees incurred by the Town as a result of reviewing the submitted plans and overseeing the construction of the project. This requirement is separate from any performance guarantees required under Article 12. The Town shall prepare a financial statement depicting the costs incurred during the review of the subdivision and any funds remaining after the project is complete shall be returned to the applicant with any interest which may have accrued.

5.6 Rights not Vested. The submittal or review of the pre-application 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, section 302.

ARTICLE 6 - 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 complies with all or any of the submission requirements for a Major Subdivision.

6.2 Procedure

a. Within six months after the on-site inspection by the Board, the sub-divider shall submit an application for approval of a Final Plan. Failure to do so shall require re-submission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

b. Minor subdivision review costs shall be submitted in accordance with the fee schedule on file with the Town Clerk.

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

d. The sub-divider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

e. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the Final Plan application.

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

g. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the sub-divider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

6.3 Submissions.

a. The subdivision plan for a Minor Subdivision shall consist of one reproducible, stable based transparent original to be recorded at the Registry of Deeds, and two copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Two copies of all information accompanying the plan shall be submitted along with one (1) copy of an 11x17 reduced size plan and a digital copy of the plan, application and information.

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

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

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

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

4. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision. All restrictions shall be listed on the filed plans.

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

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

b. When sewage disposal is to be accomplished by subsurface sewage 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.

6. 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 servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the fire Chief, stating approval of the location of fire hydrants, if any, shall be submitted.

b. When water is to be supplied by private wells evidence of adequate ground water supply and

a written statement from a hydrogeologist familiar with the area shall submit quality.

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

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

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

ARTICLE 7 - PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure

a. Within one year of the sketch plan submittal to the Board, the sub-divider shall submit an application for approval of a Preliminary Plan at the meeting for which he is scheduled. Failure to do so shall require re-submission of the sketch plan to the Board. The Preliminary Plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board.

b. Preliminary Plan review costs shall be submitted in accordance with the fee schedule on file with the Town Clerk.

c. The sub-divider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

d. Upon receipt of an application for Preliminary Plan approval of major subdivision, the Board shall notify in writing all owners of abutting property that an application for subdivision approval has been submitted.

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

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

g. The Board shall, within thirty (30) days of the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the sub-divider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

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

1. The specific changes which it will require in the Final Plan;

2. The Character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion my be waived without jeopardy to the public health, safety, and general welfare; and

3. the amount of all performance guarantees which it will require as prerequisite to the approval of the Final Plan.

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

j. 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 this ordinance 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.

k. Burden of Proof. In all instances, the burden of proof is upon the applicant to prove the subdivision is in accordance with all State and local regulations and with the North Berwick Subdivision and Zoning Ordinances.

7.2 Submissions

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

1. Existing subdivisions in the proximity of the proposed subdivision;

2. Locations and names of existing and proposed streets;

3. Boundaries and designations of zoning districts;

4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

b. Preliminary Plan. The Preliminary Plan shall be submitted in ~~three~~ two copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than seventy-five acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one (1) copy of an 11x17 reduced size plan and a digital copy of the plan, application and information shall be submitted. The following information shall be shown on the Preliminary Plan or shall accompany the plan for preliminary approval:

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

3. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property. All deed restrictions shall be listed on the plan filed with the Registry of Deeds;

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

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

6. The number of acres within the proposed subdivision, location of property lines, existing building, watercourses, vegetative cover type, and other essential existing features. The location of any trees larger than 24 inches in diameter at breast height (4 feet 6 inches) shall be shown on the plan. All potential freshwater wetlands regardless of the size must be indicated;

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 letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted.

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

c. Ground water impact shall be assessed as follows:

1. Assessment Submitted. Accompanying the application for approval of any subdivision which is not served by public sewer shall be an analysis of the impacts of the proposed subdivision on ground water quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology and shall contain at least the following information:

a. A map showing the basic soils types.

b. The depth to the water table at representative points throughout the subdivision.

c. Drainage conditions throughout the subdivision.

d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

e. an analysis and evaluation of the effect of the subdivision on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.

f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Standards for Acceptable Ground Water Impacts.

a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation.

b. No subdivision shall increase any contaminant concentration 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.

c. 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.

d. 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;

8. 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 servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, 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 written statement from a hydrogeologist familiar with the area;

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

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

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

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

13. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain rough survey and scale data sufficient to allow approximate location, bearing and length of street lines, lot lines and boundary lines to be readily determined;

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

15. 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;

16. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, quasi-municipal districts. These lists shall include but not be limited to:

Schools, including busing
Street maintenance and snow removal
Police and Fire protection
Solid waste disposal
Recreation facilities
Storm water drainage
Waste water treatment
Water supply

The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision;

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

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

19. A plan for the disposal of surface drainage waters, prepared by a Registered Professional Engineer and endorsed by the York County Soil and Water Conservation District.

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

c. The Planning Board shall require the applicant to contribute a Development Impact Fee to participate in municipal infrastructure improvements at the rate set by the Town of North Berwick using the fee schedule in effect on the date of submission of the Major Subdivision Preliminary Plan to the Planning board. The Board shall require the applicant to participate in all areas of concern as determined by the Board

1. As soon as the applicant's share of infrastructure impact has been established by the Planning Board, the applicant and the Board shall select the method by which the applicant shall participate in the infrastructure improvement. The following alternatives are available:

a. The applicant must agree to make the necessary infrastructure improvements, establish a construction schedule and post a separate performance guarantee in accordance with the provisions of Article 12 to cover all associated costs prior to approval of the final plan. In addition, appropriate annotations shall be made on all subdivision documents including the recorded plan to ensure the infrastructure improvements are completed before occupancy or sale/transfer of the property can occur.

b. The Town shall agree to complete the required improvement, and the applicant shall pay the required Development Impact Fee to the Town. Agreement of the Town to complete the required improvement shall be documented by the submission of a letter from the Municipal Officers to the Planning Board detailing the extent of the improvement the Town will accomplish, and a separate letter to the Planning Board from the Town Clerk substantiating that the required Development Impact Fee has been paid in full, prior to the Planning Board approval of the final plan. If the required improvement is not completed by the Town within ten (10) years, the fee plus interest shall be returned to the applicant.

c. All standards in Article 10 and 11 of this ordinance shall be adhered to and reflected in the submitted plans.

ARTICLE 8 - FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure

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

b. Final Plan review costs shall be submitted in accordance with the fee schedule on file with the Town Clerk.

c. The sub-divider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

d. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the sub-divider.

e. Prior to submittal of the Final Plan application has been submitted for review, the following approvals shall be obtained in writing, where appropriate:

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

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

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

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

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

6. Municipal Officials and Town Clerk for Development Impact Fee if the Town is going to complete the required infrastructure improvement.

f. A public hearing may be held by the Planning Board within thirty days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing.

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

g. Before the Board grants approval of the Final Plan, the sub-divider shall meet the performance guarantee requirements contained in Article 12.

h. 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.

i. The Board, within ninety days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30-A, M.R.S.A section 4551, and this ordinance. If the Board finds that all standards of the Statute and this ordinance have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute or this ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

8.2 Submissions

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border one on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based originals to be submitted, one to be recorded at the Registry of Deeds, and the second to be submitted to the Planning Board for file, in addition two copies of the Final Plan shall be submitted. Two copies of all information accompanying the plan shall be submitted along with one (1) copy of an 11x17 reduced size plan and a digital copy of the plan, application and information. The application for approval of the Final Plan shall include the following information:

a. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers;

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

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

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

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

1. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.

2. 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 a hydrogeologist familiar with the area.

f. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, sub-divider, and individual or company who prepared the Plan.

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

h. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The Plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

8.3 Final Approval and Filing

a. No plan shall be approved by the Planning Board as long as the sub-divider is in default on a previously approved Plan.

b. Upon findings of fact and determination that all standards in Title 30-A, and this ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the plans filed with the Registry of Deeds shall be forwarded to the Board within 30 days of filing. Any subdivision not recorded in the Registry of Deeds within ninety days from the date upon which the plan is approved and signed by the Board shall become null and void.

c. At the time the board grants Final Plan approval, it may require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department does not have adequate capital facilities to service the subdivision, the Board shall require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the Superintendent of Schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved by not built subdivisions, the Board shall require the Plan to be divided into sections to prevent classroom over crowding.

d. No changes, erasure, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 9.1(c). The Board shall make findings that the revised Plan meets the standards of Title 30-A, M.R.S.A section 4551 and this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceeding to have the Plan stricken from the records of the Registry of Deeds.

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

ARTICLE 9 - ENFORCEMENT

9.1 Inspection of Required Improvements

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

b. If the inspection official finds upon inspection of the improvements that any of the re1required improvements have not been constructed in accordance with the plans and specifications filed by the sub-divider, he shall so report in writing to the Municipal Officers, Planning Board, and the sub-divider 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 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 hidden 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 1%, etc., the sub-divider shall obtain permission to modify the plans from the Board.

d. At the close of each summer construction season the Town shall, at the expense of the sub-divider, have the site inspected by a qualified individual. By December 1 or 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 sub-divider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monuments be 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 this ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

g. The sub-divider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvement by the municipality.

9.2 Violations and Enforcement; Prohibited Activities

The Attorney General, the Municipality or the Planning Board of any municipality may institute proceedings to enjoin a violation of this subchapter.

a. Sales or Other Conveyances. No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision which has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and recorded in the proper registry of deeds.

1. No register of deeds may record any subdivision plat or plan which has not been approved under this subchapter. approval for the purpose of recording must appear in writing on the plat or plan. all subdivision plats and plans required by this subchapter must contain the name and address of the person under whose responsibility the subdivision plat or plan was prepared.

2. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of variance from any applicable subdivision approval standard, that fact shall be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds.

    a. In the case of an amendment, if no amended plan is to be recorded, a certificate shall be prepared in recordable form and recorded in the registry of deeds. This certificate shall:

        1. Indicate the name of the current property owner;

        2. Identify the property by reference to the last recorded deed in its chain of title; and

        3. Indicate the fact that a variance, including any conditions on the variance, has been granted and the date of the granting.

    b. The variance is not valid until recorded as provided in this paragraph. Recording must occur within 30 days of the final subdivision approval or the variance is void.

3. No building inspector may issue any permit for a building or use within a land subdivision unless the subdivision has been approved under this subchapter.

4. 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 which has not been approved under this subchapter shall be penalized in accordance with Title 30-A MRSA section 4452.

5. Any person who after receiving approval from the municipal reviewing authority and recording the plan at the registry of deeds, constructs or develops the subdivision, or transfers any lot, in a manner other than depicted on the approved plans or amendments shall be penalized in accordance with Title 30-A MRSA section 4452.

6. Any application for subdivision approval for a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. A fee in accordance with the fee schedule on file with the Town Clerk shall be submitted with the application for revision or amendment.

b. Utility Installation. No public utility, water district, sanitary district or any utility company of any kind may install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

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

2. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this ordinance 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 this ordinance.

ARTICLE 10 - GENERAL STANDARDS

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

10.1 Conformance with Comprehensive Plan

All proposed subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent State and local codes and ordinances.

10.2 Retention of Open Spaces and Natural or Historic Features and Provision of Recreational Areas and Facilities

a. In any subdivision larger than thirty-five acres, or more than fifteen lots or dwelling units, the developer shall provide up to ten percent of his total area as open space or land to be dedicated for the provision of recreational facilities. The provision of open space and/or recreational land shall be based in part upon the towns Comprehensive Plan, identified natural resources of the area, the Open Space and Recreational Needs Analysis on file at Town Hall and the towns Future Open Space and Recreation Map available at the town office. In any subdivision thirty-five acres or less, or containing fifteen lots or dwelling units or less, the Board may request the developer to provide a percentage of his total area as open space/recreational land or the Board may instead require the developer to make a payment in-lieu of land dedication into a Municipal Land Acquisition Fund.

The following table provides the minimum open space reservations for various development densities.

Average Size/Single Family Lots Minimum Lot Sizes	**Percentage of Land to be Reserved as Open Area**
Lots 20,000 square feet and greater	10%
Lots under 20,000 square feet	5%
Multi-family units	5%

b. 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 a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Reference shall be made to the needs highlighted in the towns Open Space and Recreational Needs Analysis (2001) available at the town office. Sites selected primarily for natural resource preservation, farmland protection or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to factors and resources highlighted on the towns Future Open Space and Recreation Map. Open areas space shall be part of an integrated design for open space. No more than 30% of such open space shall be wetland as delineated by the applicants wetland mapping provided with the application.

c. Reserved land acceptable to the Board and sub-divider may be dedicated to the municipality, a local conservation organization or a homeowners group as a condition of approval.

d.. Where the land in the subdivision is not suitable for open space, or is insufficient in amount, or where the Planning Board and the subdivider agree that the interests of the residents of the subdivision and the town would be better served by community open space elsewhere, the Planning Board may waive the requirement for open space and the developer shall pay a per lot or housing unit fee to the North Berwick Land Acquisition Fund for the purposes of purchasing valuable open space areas elsewhere in town. Such fee shall be in accordance with the Town of North Berwick Community facilities Impact Analysis fee structure as established by the Board of Selectman pursuant to section 6.10 of the North Berwick Zoning Ordinance. This fee shall be sufficient to enable the Town to maintain the existing level of conservation lands per household in North Berwick. Lots for which the developer makes payment for shall be deemed paid in full for the open space aspect of the fee at the time of construction of the single-family residence or unit regardless of an increase in the impact fee from the time the subdivision is approved.

e. Recreational Area and Facilities. All subdivisions shall provide for the recreational needs of the occupants of the development. Subdivisions with less than fifteen (15) dwelling units shall pay a recreational fee-in-lieu of land dedication. Such fee shall be in accordance with the Town of North Berwick Community facilities Impact Analysis fee structure as established by the Board of Selectman pursuant to section 6.10 of the North Berwick Zoning Ordinance. Such fee shall be sufficient to enable the town to maintain the existing level of recreational facilities per household in North Berwick. Lots for which the developer makes payment for shall be deemed paid in full for the recreational facilities aspect of the fee at the time of construction of the single-family home or housing unit regardless of an increase in the impact fee from the time the subdivision is approved

f. 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 at breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.

10.3 Blocks

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

10.4 Lots

a. All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.

b. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.

c. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

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

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

f. If a lot on one side of a stream, tidal water, 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, tidal water, or road to meet the minimum lot size.

g. 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. The ratio~~n~~ of lot depth to frontage shall not be more than five to one.

h. Lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers shall be assigned to lots on one side the street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the Postmaster and his comments considered by the Board. No individual dwellings shall be permitted to have a mailbox or newspaper receptacle on their individual lot. All mail/newspaper receptacles shall be placed in cluster kiosk configurations with the North Berwick Postmaster approving the mailbox configuration and construction in addition to the Planning Board. All kiosks will be enclosed and have a separate access for postal delivery separate from the front access utilized by the owners to obtain their mail. The kiosks will be off the road with parking for two vehicles in the immediate vicinity of the kiosk.

10.5 Utilities

a. All utilities shall be installed underground except as otherwise approved by the Board.

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

c. The size, type and location of street lights, electric and gas lines, telephone, and other utilities shall be shown on the Plan and approved by the Board.

10.6 Required Improvements

a. Monuments:

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

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

3. Stone monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes, 1/2 inch deep shall located the point or points described above.

4. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by a suitable monument. The term suitable monument shall be:

a. A granite monument
b. A concrete monument
c. An iron pipe
d. An drilled hole in ledge

b. Water

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 sub-divider.

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

b. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district 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, the Planning Board may allow the use of individual wells or a private community water system.

a. Dug wells shall not be permitted in major subdivisions and shall be prohibited by deed restrictions and a note on the Plan.

b. If a central water system is provided by the sub-divider, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R 231), and the source shall be developed prior to approval of the Final Plan.

c. The sub-divider shall construct ponds and dry hydrants to provide for adequate water storage for fire- fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary. The ponds shall be located on common land, see Article 10.8. Any maintenance required by an inspection done by the Fire Department will be the responsibility of the property owners of the subdivision. The pond shall hold a minimum of 10,000 usable gallons, have a depth between 7.5 and 13 feet and be centrally located within the subdivision. The board may waive the requirements upon submittal of evidence that the soil types in the subdivision will not permit their construction or when the board is satisfied that water sources for fire fighting already exists in the immediate vicinity of the subdivision. As an alternative, regarding the construction of fire ponds, the sub0divider may install residential sprinkler systems in each residence of the subdivision. The sprinkler systems shall conform to the National Fire Protection Association (NFPA) Residential Sprinkler System specifications. (NFPA13R)

c. Sewage Disposal

1. Public System

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

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

2. Private Systems

a. the developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Plumbing Rules. In addition, test pit information shall be submitted indicating a suitable reserve area of soil for each lot.

b. In no instance shall a disposal area be permitted on soils or on a lot which required a New System Variance from the Plumbing Rules.

d. Surface Drainage

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board feels that surface water run-off to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch-basins or other means of channeling surface water within the subdivision and over other properties. This storm water management system shall be designed by a Registered Professional Engineer.

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

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

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

10.7 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. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

c. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a water body, and extending one hundred feet inland from all points along the normal high-water mark shall be limited in accordance with the following:

1. No more than 30% of the length of the strip shall be clear-cut to the depth of the strip.

2. Cutting of this 30% shall not create a clear-cut opening greater than thirty feet wide.

3. In the remaining 70% length of the strip, no trees larger than four inches diameter at breast height shall be cut, and sufficient cover to preserve natural beauty and control erosion shall remain.

10.8 Dedication and Maintenance of Common Open Space and Services

a. All common land shall be owned jointly or in common by the owners of the dwelling units by means of a home owners association, by an association which has as its principal purpose the conservation of preservation of land in essentially its natural condition, or by the municipality.

b. 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 maybe erected on the common lot.

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

1. It shall not be used for future building lots, and

2. A part or all of the common open space may be dedicated for acceptance by the municipality, or the development rights may be required to be placed in a conservation easement.

d. 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 homeowner’s association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

e. 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.

f. The homeowner’s association shall have the responsibility of maintaining the common property.

g. 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.

h. The developer or sub-divider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.

ARTICLE 11 - STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTIONSTANDARDS

11.1 General Requirements

a. All streets within a park shall meet the standards found in the Town of North Berwick Street Design & Construction Standards Ordinance.

ARTICLE 12 - PERFORMANCE GUARANTEES

12.1 Types of Guarantees

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

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

b. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers;

c. A irrevocable letter of credit (see appendix B for sample) from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers, or Town Manager;

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

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

12.2 Contents of Guarantee

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

12.3 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 sub-divider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the sub-divider 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 sub-divider and the amount withdrawn to complete the required improvements.

12.4 Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the sub-divider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

12.5 Letter of Credit

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

12.6 Conditional Agreement

The Board, at its discretion may provide for the sub-divider to enter into a binding agreement with municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for the Final Plan on the condition that no more than two lots may be sold or built upon until either:

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

b. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 12.8.

12.7 Phasing Development

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

12.8 Release of Guarantee

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

12.9 Default

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

12.10 Private Roads

Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan: "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

12.11 Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required by Section 10.7 of this ordinance, as well as any other improvement required by the Board.

ARTICLE 13 - WAIVERS

13.1 Special Circumstances

Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated, to permit a more practical and economical development, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Zoning Ordinance, or this ordinance.

13.2 Required Improvements Not Requisite for the Public Health, Safety, or Welfare

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

13.3 Granting of Waivers

In granting waivers to any of these standards in accordance with Section 13.1 and 13.2, the Board shall require such conditions as will assure the objectives of this ordinance are met.

ARTICLE 14 - LEGAL STATUS PROVISIONS

14.1 Authority

This ordinance is adopted under the authority of Title 30, M.R.S.A. Section 1917 and 4956.

14.2 Conflicts with Other Laws

When the provisions of this ordinance are in conflict with the standards required by any other statute or ordinance the more restrictive requirements shall govern.

14.3 Severability

Should any section or part of a section or any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

14.4 Repeal of Prior Land Use Ordinances

All prior Subdivision Ordinances are repealed.

14.5 Effective Date

Adopted as a Town Ordinance at the Annual Town Meeting, April 24, 1999. This ordinance shall take effect and be in force from the date of its adoption.

14.6 Amendments

This ordinance may be amended by a majority vote of those voting at a Town meeting. Amendments may be initiated by a majority vote of the Planning Board, or by request of the Board of Selectmen to the Planning Board, or on petition of 15 percent of the votes cast in the last gubernatorial election in the Town. The Planning Board shall then study the proposal, shall conduct a public hearing on any proposed amendment and shall present the proposal from the Planning Board to the Town for vote by ballot. Subdivision changes shall not be made on the floor at Town Meetings.

APPENDIX A

TITLE 30-A MSRA - SUBDIVISIONS

§4401. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

1. **Densely developed area.** "Densely developed area" means any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

2. **Dwelling unit.** "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

2-A. **Freshwater wetland.** "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 adapted for life in saturated soils; and [1989, c. 404, §1 (NEW).]

B. Not considered part of a great pond, coastal wetland, river, stream or brook. [1989, c. 404, §1 (NEW).]

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

[1989, c. 404, §1 (NEW) .]

2-B. **Farmland.** "Farmland" means a parcel consisting of 5 or more acres of land that is:

A. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or [2009, c. 356, Pt. C, §1 (NEW).]

B. Used for the production of agricultural products as defined in Title 7, section 152, subsection 2. [2009, c. 356, Pt. C, §1 (NEW).]

[2009, c. 356, Pt. C, §1 (NEW) .]

3. **Principal structure.** "Principal structure" means any building or structure in which the main use of the premises takes place.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §1 (RPR) .]

4. Subdivision. "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 preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter. [2001, c. 359, §1 (AMD).]

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. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. A lot of 40 or more acres must be counted as a lot, except:

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not 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. [2001, c. 651, §1 (AMD).]

D. [2001, c. 359, §2 (RP).]

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. [2001, c. 359, §3 (NEW).]

D-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. [2001, c. 359, §3 (NEW).]

D-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. [2001, c. 359, §3 (NEW).]

D-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 1/2 the assessed value of the real estate. [2001, c. 359, §3 (NEW).]

D-5. A division accomplished by a 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. [2001, c. 359, §3 (NEW).]

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land 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. [2013, c. 126, §1 (AMD).]

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

G. [2017, c. 104, §1 (RP).]

H. [2001, c. 651, §2 (RP).]

H-1. [2017, c. 104, §1 (RP).]

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2019. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2018 for the definition to remain valid for the grace period ending January 1, 2019. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located. [2017, c. 104, §1 (NEW).]

I. The grant of a bona fide security interest in an entire lot that has been exempted 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. [2001, c. 359, §5 (AMD).]

[2017, c. 104, §1 (AMD) .]

5. **New structure or structures.** "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

6. **Tract or parcel of land.** "Tract or parcel of land" means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

[2007, c. 49, §1 (AMD) .]

7. **Outstanding river segments.** In accordance with Title 12, section 402, "outstanding river segments" means:

A. The Aroostook River from the Canadian border to the Masardis and T.10, R.6, W.E.L.S. town line, excluding the segment in T.9, R.5, W.E.L.S.; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. The Carrabassett River from the Kennebec River to the Carrabassett Valley and Mt. Abram Township town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. The Crooked River from its inlet into Sebago Lake to the Waterford and Albany Township town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

D. The Damariscotta River from the Route 1 bridge in Damariscotta to the dam at Damariscotta Mills; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

E. The Dennys River from the Route 1 bridge to the outlet of Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

F. The East Machias River, including the Maine River, from 1/4 of a mile above the Route 1 bridge to the East Machias and T.18, E.D., B.P.P. town line, from the T.19, E.D., B.P.P. and Wesley town line to the outlet of Crawford Lake, and from the No. 21 Plantation and Alexander town line to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

G. The Fish River from the bridge at Fort Kent Mills to the Fort Kent and Wallagrass Plantation town line, from the T.16, R.6, W.E.L.S. and Eagle Lake town line to the Eagle Lake and Winterville Plantation town line, and from the T.14, R.6, W.E.L.S. and Portage Lake town line to the Portage Lake and T.13, R.7, W.E.L.S. town line, excluding Portage Lake; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

H. The Kennebago River from its inlet into Cupsuptic Lake to the Rangeley and Lower Cupsuptic Township town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

I. The Kennebec River from Thorns Head Narrows in North Bath to the Edwards Dam in Augusta, excluding Perkins Township, and from the Route 148 bridge in Madison to the Caratunk and The Forks Plantation town line, excluding the western shore in Concord Township,

Pleasant Ridge Plantation and Carrying Place Township and excluding Wyman Lake; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

J. The Machias River from the Route 1 bridge to the Northfield and T.19, M.D., B.P.P. town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

K. The Mattawamkeag River from the Penobscot River to the Mattawamkeag and Kingman Township town line, and from the Reed Plantation and Bancroft town line to the East Branch in Haynesville; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

L. The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township town lines, excluding Beddington Lake; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

M. The Penobscot River, including the Eastern Channel, from Sandy Point in Stockton Springs to the Veazie Dam and its tributary the East Branch of the Penobscot from the Penobscot River to the East Millinocket and Grindstone Township town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

N. The Piscataquis River from the Penobscot River to the Monson and Blanchard Plantation town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

O. The Pleasant River from the bridge in Addison to the Columbia and T.18, M.D., B.P.P. town line, and from the T.24, M.D., B.P.P. and Beddington town line to the outlet of Pleasant River Lake; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

P. The Rapid River from the Magalloway Plantation and Upton town line to the outlet of Pond in the River; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

Q. The Saco River from the Little Ossipee River to the New Hampshire border; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

R. The St. Croix River from the Route 1 bridge in Calais to the Calais and Baring Plantation town line, from the Baring Plantation and Baileyville town line to the Baileyville and Fowler Township town line, and from the Lambert Lake Township and Vanceboro town line to the outlet of Spednik Lake, excluding Woodland Lake and Grand Falls Flowage; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

S. The St. George River from the Route 1 bridge in Thomaston to the outlet of Lake St. George in Liberty, excluding White Oak Pond, Seven Tree Pond, Round Pond, Sennebec Pond, Trues Pond, Stevens Pond and Little Pond; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

T. The St. John River from the Van Buren and Hamlin Plantation town line to the Fort Kent and St. John Plantation town line, and from the St. John Plantation and St. Francis town line to the Allagash and St. Francis town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

U. The Sandy River from the Kennebec River to the Madrid and Township E town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

V. The Sheepscot River from the railroad bridge in Wiscasset to the Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributary the West Branch of the Sheepscot from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

W. The West Branch of the Pleasant River from the East Branch in Brownville to the Brownville and Williamsburg Township town line; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §3 (AMD).]

X. The West Branch of the Union River from the Route 181 bridge in Mariaville to the outlet of Great Pond in the Town of Great Pond. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §3 (AMD).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §3 (AMD) .]

SECTION HISTORY
1989, c. 104, §§A45,C10 (NEW). 1989, c. 326, §1 (AMD). 1989, c. 404, §1 (AMD). 1989, c. 497, §§1-3 (AMD). 1989, c. 772, §2 (AMD). 1991, c. 500, §§1,2 (AMD). 2001, c. 359, §§1-5 (AMD). 2001, c. 359, §8 (AFF). 2001, c. 523, §§1,2 (AFF). 2001, c. 651, §§1-3 (AMD). 2007, c. 49, §1 (AMD). 2009, c. 356, Pt. C, §1 (AMD). 2013, c. 126, §1 (AMD). 2017, c. 104, §1 (AMD).

§4402. EXCEPTIONS

This subchapter does not apply to: [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

1. Previously approved subdivisions. Proposed subdivisions approved by the planning board or the municipal officials before September 23, 1971 in accordance with laws then in effect;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

2. Previously existing subdivisions. Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law;

[1997, c. 51, §1 (AMD) .]

3. Previously recorded subdivisions. A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971;

[1997, c. 323, §1 (AMD) .]

4. Airports with an approved airport layout plan. Any airport with an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and the Federal Aviation Administration;

[2017, c. 104, §2 (AMD) .]

5. Subdivisions in existence for at least 20 years. A subdivision in violation of this subchapter that has been in existence for 20 years or more, except a subdivision:

A. That has been enjoined pursuant to section 4406; [1997, c. 323, §3 (NEW).]

B. For which approval was expressly denied by the municipal reviewing authority, and record of the denial was recorded in the appropriate registry of deeds; [1997, c. 323, §3 (NEW).]

C. For which a lot owner was denied a building permit under section 4406, and record of the denial was recorded in the appropriate registry of deeds; or [1997, c. 323, §3 (NEW).]

D. That has been the subject of an enforcement action or order, and record of the action or order was recorded in the appropriate registry of deeds; or [2017, c. 104, §3 (AMD).]

[2017, c. 104, §3 (AMD) .]

6. **Division of new or existing structures.** Beginning July 1, 2018, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review in accordance with Title 38, section 488, subsection 19 or Title 38, section 489-A.

[2017, c. 104, §4 (NEW) .]

SECTION HISTORY
1989, c. 104, §§A45,C10 (NEW). 1997, c. 51, §§1,2 (AMD). 1997, c. 323, §§1-3 (AMD). 2017, c. 104, §§2-4 (AMD).

§4403. MUNICIPAL REVIEW AND REGULATION

This section governs municipal review of proposed subdivisions. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

1. **Municipal reviewing authority.** The municipal reviewing authority shall review all requests for subdivision approval. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

1-A. **Joint meetings.** If any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application must be held jointly by the reviewing authorities from each municipality. All meetings and hearings to review an application under section 4407 for a revision or amendment to a subdivision that crosses municipal boundaries must be held jointly by the reviewing authorities from each municipality. In addition to other review criteria, the reviewing authorities shall consider and make a finding of fact regarding the criteria described in section 4404, subsection 19.

The reviewing authorities in each municipality, upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing.

[1997, c. 226, §1 (AMD) .]

2. **Regulations; review procedure.** The municipal reviewing authority may, after a public hearing, adopt, amend or repeal additional reasonable regulations governing subdivisions which

shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of this hearing.

A. The regulations may provide for a multi-stage application or review procedure consisting of no more than 3 stages:

(1) Preapplication sketch plan;

(2) Preliminary plan; and

(3) Final plan.

Each stage must meet the time requirements of subsections 4 and 5. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

3. **Application; notice; completed application.** This subsection governs the procedure to be followed after receiving an application for a proposed subdivision.

A. When an application is received, the municipal reviewing authority shall give a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision, and the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including a general description of the project. The municipal reviewing authority shall notify by mail a public drinking water supplier if the subdivision is within its source water protection area. [1999, c. 761, §11 (AMD).]

B. Within 30 days after receiving an application, the municipal reviewing authority shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

D. The municipal reviewing authority may not accept or approve final plans or final documents prepared within the meaning and intent of Title 32, chapter 141 that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in Title 32, section 18226. [2013, c. 180, §3 (AMD); 2013, c. 180, §6 (AFF).]

[2013, c. 180, §3 (AMD); 2013, c. 180, §6 (AFF) .]

4. **Public hearing; notice.** If the municipal reviewing authority decides to hold a public hearing on an application for subdivision approval, it shall hold the hearing within 30 days after determining it has received a complete application. The municipal reviewing authority shall have notice of the date, time and place of the hearing:

A. Given to the applicant; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Published, at least 2 times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §6 (AMD) .]

5. Decision; time limits. The municipal reviewing authority shall, within 30 days of a public hearing or, if no hearing is held, within 60 days of determining it has received a complete application or within any other time limit that is otherwise mutually agreed to, issue an order:

A. Denying approval of the proposed subdivision; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Granting approval of the proposed subdivision; or [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. Granting approval upon any terms and conditions that it considers advisable to:

(1) Satisfy the criteria listed in section 4404;

(2) Satisfy any other regulations adopted by the reviewing authority; and

(3) Protect and preserve the public's health, safety and general welfare. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §7 (AMD) .]

6. Burden of proof; findings of fact. In all instances, the burden of proof is upon the person proposing the subdivision. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the criteria described in subsection 5.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

7. Conditioned on variance. If the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance, the subdivider must comply with section 4406, subsection 1, paragraph B.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

SECTION HISTORY
1989, c. 104, §§A45, C10 (NEW). 1989, c. 497, §§4-7 (AMD). 1995, c. 93, §1 (AMD). 1997, c. 226, §1 (AMD). 1999, c. 761, §11 (AMD). 2013, c. 180, §3 (AMD). 2013, c. 180, §6 (AFF).

§4404. REVIEW CRITERIA

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that: [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

A. The elevation of the land above sea level and its relation to the flood plains; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. The nature of soils and subsoils and their ability to adequately support waste disposal; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. The slope of the land and its effect on effluents; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

D. The availability of streams for disposal of effluents; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

E. The applicable state and local health and water resource rules and regulations; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

2. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

3. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

5. Traffic. The proposed subdivision 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;

[2001, c. 560, §1 (AMD) .]

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §8 (AMD) .]

7. **Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §8 (AMD) .]

8. **Aesthetic, cultural and natural values.** The proposed subdivision 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;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §8 (AMD) .]

9. **Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

10. **Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

11. **Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §8 (AMD) .]

12. **Ground water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 429, §1 (AMD); 1989, c. 497, §8 (AMD) .]

13. **Flood areas.** 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 shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 429, §1 (AMD); 1989, c. 497, §8 (AMD); 1989, c. 878, Pt. A, §85 (RPR) .]

14. **Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified 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;

[1989, c. 404, §2 (NEW); 1989, c. 429, §2 (NEW); 1989, c. 497, §9 (NEW); 1989, c. 772, §3 (AMD); 1989, c. 878, Pt. G, §5 (RPR) .]

14-A. **Farmland.** All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;

[2009, c. 356, Pt. C, §2 (NEW) .]

15. **River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;

[1991, c. 838, §12 (AMD) .]

16. **Storm water.** The proposed subdivision will provide for adequate storm water management;

[1991, c. 838, §12 (AMD) .]

17. **Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland 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;

[1997, c. 226, §2 (AMD) .]

18. Lake phosphorus concentration. 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 proposed subdivision;

[2003, c. 622, §2 (AMD) .]

19. Impact on adjoining municipality. For any proposed subdivision that crosses 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; and

[2003, c. 622, §3 (AMD) .]

20. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

[2003, c. 622, §4 (NEW); 2011, c. 657, Pt. W, §§5, 7 (REV); 2013, c. 405, Pt. A, §23 (REV) .]

SECTION HISTORY
1989, c. 104, §§A45,C10 (NEW). 1989, c. 404, §2 (AMD). 1989, c. 429, §§1,2 (AMD). 1989, c. 497, §§8,9 (AMD). 1989, c. 762, §§3,4 (AMD). 1989, c. 772, §3 (AMD). 1989, c. 878, §§A85,86,G5 (AMD). 1991, c. 838, §§12-14 (AMD). 1997, c. 226, §§2-4 (AMD). 2001, c. 560, §1 (AMD). 2003, c. 622, §§2-4 (AMD). 2009, c. 356, Pt. C, §2 (AMD). 2011, c. 657, Pt. W, §§5, 7 (REV). 2013, c. 405, Pt. A, §23 (REV).

§4405. ACCESS TO DIRECT SUNLIGHT

The municipal reviewing authority may, to protect and ensure access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and set-back requirements or other permissible forms of land use controls. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

SECTION HISTORY
1989, c. 104, §§A45,C10 (NEW).

§4406. ENFORCEMENT; PROHIBITED ACTIVITIES

The Attorney General, the municipality or the planning board of any municipality may institute proceedings to enjoin a violation of this subchapter. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

1. **Sales or other conveyances.** No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and approved under Title 38, chapter 3, subchapter I, article 6, where applicable, and subsequently recorded in the proper registry of deeds.

A. No register of deeds may record any subdivision plat or plan that has not been approved under this subchapter. Approval for the purpose of recording must appear in writing on the plat or plan. All subdivision plats and plans required by this subchapter must contain the name and address of the person under whose responsibility the subdivision plat or plan was prepared. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 769, §1 (AMD).]

B. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any applicable subdivision approval standard, that fact must be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds.

(1) In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded in the registry of deeds. This certificate must:

(a) Indicate the name of the current property owner;

(b) Identify the property by reference to the last recorded deed in its chain of title; and

(c) Indicate the fact that a variance, including any conditions on the variance, has been granted and the date of the granting.

(2) The variance is not valid until recorded as provided in this paragraph. Recording must occur within 2 years of the final subdivision approval or approval under Title 38, chapter 3, subchapter 1, article 6, where applicable, whichever date is later, or the variance is void. [2017, c. 104, §5 (AMD).]

B-1. Whenever the subdivision is exempt from Title 38, chapter 3, subchapter I, article 6, because of the operation of Title 38, section 488, subsection 5, that fact must be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds. The developable land, as defined in Title 38, section 488, subsection 5, must be indicated on the plan. The person submitting the plan for recording shall prepare a sworn certificate in recordable form and record it in the registry of deeds. This certificate must:

(1) Indicate the name of the current property owner;

(2) Identify the property by reference to the last recorded deed in its chain of title and by reference to the subdivision plan;

(3) Indicate that an exemption from Title 38, chapter 3, subchapter I, article 6, has been exercised;

(4) Indicate that the requirements of Title 38, section 488, subsection 5, have been and will be satisfied; and

(5) Indicate the date of notification of the Department of Environmental Protection under Title 38, section 488, subsection 5.

The exemption is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval under this subchapter or the exemption is void. [1989, c. 769, §1 (NEW).]

C. A building official may not issue any permit for a building or use within a land subdivision unless the subdivision has been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 769, §1 (AMD); 2007, c. 699, §24 (REV).]

D. 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 subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable, shall be penalized in accordance with section 4452. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 769, §1 (AMD).]

E. Any person who, after receiving approval from the municipal reviewing authority or approval under Title 38, chapter 3, subchapter I, article 6 and recording the plan at the registry of deeds, constructs or develops the subdivision or transfers any lot in a manner other than depicted on the approved plans or amendments or in violation of any condition imposed by the municipal reviewing authority or the Department of Environmental Protection, when applicable, must be penalized in accordance with section 4452. [1991, c. 548, Pt. D, §5 (RPR).]

F. Any person who sells, leases or conveys for consideration any land or dwelling unit in a subdivision approved under this subchapter and exempt from Title 38, chapter 3, subchapter I, article 6, 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 of the requirements of Title 38, section 488, subsection 5, have been and will be satisfied. [1989, c. 769, §1 (NEW).]

[2017, c. 104, §5 (AMD) .]

2. **Permanent marker required.** No person may sell or convey any land in an approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" includes, but is not limited to, the following:

A. A granite monument; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. A concrete monument; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. An iron pin; or [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

D. A drill hole in ledge. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

3. **Utility installation.** A public utility, water district, sanitary district or any utility company of any kind may not install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officers and the utility, except that if a public utility, water district, sanitary district or utility company of any kind has installed services to a lot or dwelling unit in a subdivision in accordance with this subsection, a subsequent public utility, water district, sanitary district or utility company of any kind may install services to the lot or dwelling unit in a subdivision without first receiving written authorization pursuant to this section.

[2001, c. 40, §1 (AMD) .]

4. **Permit display.** A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on site while work authorized by the permit is being conducted.

[1991, c. 838, §15 (NEW) .]

SECTION HISTORY
1989, c. 104, §§A45,C10 (NEW). 1989, c. 326, §2 (AMD). 1989, c. 497, §10 (AMD). 1989, c. 769, §1 (AMD). 1989, c. 772, §4 (AMD). 1991, c. 548, §D5 (AMD). 1991, c. 838, §15 (AMD). 1997, c. 199, §1 (AMD). 2001, c. 40, §1 (AMD). 2007, c. 699, §24 (REV). 2017, c. 104, §5 (AMD).

§4407. REVISIONS TO EXISTING PLAT OR PLAN

Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the municipal reviewing authority shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of section 4404. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §11 (AMD).]

1. **Recording.** If a subdivision plat or plan is presented for recording to a register of deeds and that plat or plan is a revision or amendment to an existing plat or plan, the register shall:

A. Indicate on the index for the original plat or plan that it has been superseded by another plat or plan; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Reference the book and page or cabinet and sheet on which the new plat or plan is recorded; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. Ensure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

SECTION HISTORY
1989, c. 104, §§A45,C10 (NEW). 1989, c. 497, §11 (AMD).

§4408. RECORDING UPON APPROVAL

Upon approval of a subdivision plan, plat or document under section 4403, subsection 5, a municipality may not require less than 90 days for the subdivision plan, plat or document to be recorded in the registry of deeds. [2011, c. 245, §1 (NEW).]

SECTION HISTORY
2011, c. 245, §1 (NEW).

APPENDIX B
SAMPLE LETTER OF CREDIT

IRREVOCABLE LETTER OF CREDIT

LETTER OF CREDIT	ISSUE DATE	EXPIRY DATE
__(Month)__, XX XXXX	__(Month)__, XX XXXX	__(Month)__, XX XXXX

Town of NorthBerwick
21MainStreet
North Berwick, ME 03906

Sir/Madam,

On the instructions and for account of _____(Name of Developer)_____ ___(Address)_____ Road, _____(Town)_____, ___(State)___ __(Zip Code)___, we hereby establish our Irrevocable Standby Letter of Credit No. _____in your favor, available by your draft drawn on us at sight, for a sum not exceeding the total amount _____ and 00/100 United States Dollars ($_____.00)

Partial Drawings are permitted

Draft drawn under this Letter of Credit must bear on their face the clause "Drawn under _____(Bank Name)_____ Credit No. _____ dated _____ XX, XXXX Accompanied by:

1. The original Letter of Credit and all amendments, if any, and

2. A written statement signed by an authorized officer of the Town of North Berwick that either (i) the funds are due you under the terms of your agreement with, or (ii) you are drawing, on the Letter of Credit because we have notified you that we have elected not to renew this Letter of Credit.

If your demand represents a partial drawing hereunder, we will endorse the original Letter of Credit and return same to you for possible future claims. If however, our demand represents a full drawing, or if such drawing is presented on the day of the relevant expiration date hereof, we will hold the original for our files and remove same from circulation.

We engage with you that draft drawn under and in compliance with the terms and conditions of this credit will be duly honored upon presentation and deliver of documents, as specified, to the address below, ATTN: ___(Bank Address)_____, on or before __(Month)___ XX, XXXX subject to the conditions in the next paragraph.

It is a condition of this credit that it shall be deemed automatically extended, and without amendment, for additional periods of one (1) year from the present or future expiration date hereof, unless One Hundred and Fifty (150) days prior to the then prevailing expiration date, we notify you in writing via overnight courier or registered mail that we elect not to renew the subject Letter of Credit for such additional period.

Please Note: In the event this Letter of Credit is no longer required, or is to be cancelled prior to the present or future expiration date, it must be returned along with any amendments thereto, to this office for cancellation.

Except so far as otherwise expressly stated, this documentary credit is subject to the "Uniform Customs and Practice for Documentary Credits (2007 Revision), ICC Publication No. 600."

Very truly yours,
_____Bank

By:_____
Authorized Signature

EXHIBIT A
COSTS OF INFRASTRUCTURE IMPROVEMENTS
NAME OF DEVELOPMENT
NORTH BERWICK, MAINE

Site prep and clearing	3,000.00
Erosion control	2,000.00
Earthwork	55,000.00
Base and subbase aggregates	25,000.00
Water mains	120,000.00
Earthwork for UG E I C	3,000.00
Loam and seed	10,000.00
Fine grade and pave	10,000.00
Base Pavement	20,000.00
Driveway and walks	15,000.00
Surface Pavement	10,000.00
Subtotal	273,000.00
Contingency	32,000.00
Total	305,000.00

EXHIBIT B

Draft

Pay to the order of the Town of North Berwick the sum of_____ Dollars and Cents ($_____) drawn on Name of Bank, as issuer of its Irrevocable Letter of Credit No. XXXXXXXX, dated January XX, 20XX.

Town of North Berwick

By:
Its: Town Manager

EXHIBIT C

Certificate To Accompany Draft In Connection With Irrevocable Letter of Credit No. XXXXXXXX

Reference is made to that certain Irrevocable Letter of Credit No. XXXXXXXX, dated January XX, 20XX (the "Letter of Credit"), in the amount of Three Hundred Five Thousand and 00/100 Dollars *($305,000),* issued by Name of Bank for the account of Name of Developer (the "Borrower") and for the benefit of the Town of North Berwick ("the Beneficiary").

The undersigned, duly authorized representatives of the Beneficiary, hereby certify that:

Borrower has failed to complete construction in accordance with the standards of the Town of North Berwick and the approved plan on or before December XX, 20XX.

You are hereby directed to make payment to us in the amount of_____ Dollars ($) under the Letter of Credit.

IN WITNESS WHEREOF, this Certificate has been duly executed on this _____day of 20XX6.

Town of North Berwick

By:_____
Its: Town Manager

APPENDIX C
SAMPLE STORM DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____,of_____ ,County of York, being the owner of a certain lot or parcel of land in the Town of North Berwick, County of York and State of Maine, which premises are more fully described in a certain subdivision plan entitled_____,by_____, dated_____ and recorded in the York County Registry of Deeds in Plan Book_____Page_____, which description of said premises is included herein by reference. For and In consideration of the sum of One Dollar and other good and valuable considerations paid by the Inhabitants of the Town of ,State of Maine, the receipt of which Is hereby acknowledged Grantor(s) do(es) hereby give, grant and quit-claim unto the said Inhabitants of the Town of North Berwick an easement and right-of-way for the construction, maintenance, repair or replacement of storm drains on or across said premises. Said easement shall be thirty (30) feet in width and_____ (____) feet in length across Lots numbered _____ and shall be located as shown on the above- mentioned subdivision plan.

TO HAVE AND TO HOLD the said easement and right-of-way unto the said Inhabitants of the Town of North Berwick for use for storm drainage so long as the same shall be used and maintained for such purposes; and the Grantor(s) hereby dedicate(s) their respective interests in said strip of land to public use for such purposes. Grantor(s) further grant(s) to the Inhabitants of the Town of North Berwick the right to enter upon said land for purposes hereinbefore mentioned and Grantor(s), their heirs or assigns shall not construct any structure within said easement or plant vegetation within sold easement without the express written consent of the Town of North Berwick

IN WITNESS WHEREOF, the said _____ have hereunto set my (our) hand(s) and seal(s) this _____ of _____, In the year of our Lord two thousand and _____.

SIGNED, SEALED AND DELIVERED
in presence of

_____ _____

_____ _____

STATE OF MAINE
_____.ss. 20__
Personally speared, before me, the above-entioned_____
and acknowledged the foregoing Instrument to be _____ free act and deed.

_____
Notary Public/Justice of the Peace

APPENDIX D
MODEL NOTICE OF DECISION

Date:

To: _____

_____

_____

Dear _____

This letter is to inform you that the North Berwick Planning Board has acted on your application for a subdivision as follows:

FINDINGS OF FACT

1. The owner of the property is _____
2. The property is located at _____, in the _____ zoning district, identified as Assessors Map _____, Lot _____, and contains_____ *(acres, sq ft.).*
3. The applicant is _____ who has demonstrated a legal interest in the property by providing a copy of a *(deed, option, purchase and sales agreement.)*
4. The applicant proposes to establish a _____ lot subdivision on the subject property. The lots range in size from _____*(sq ft., acres)* to _____ *(sq ft., acres).*
5. A completed application was submitted on _____
6. A public hearing was held on _____
7. Water is to be supplied by *(private wells, the North Berwick Water District)*
8. Sewage is to be disposed of by *(individual subsurface disposal systems, the North Berwick Sanitary District).* Site evaluations for each lot, meeting the requirement of the Maine Plumbing Rules were completed by Licensed Site Evaluator, on _____ *(or)* The North Berwick Sanitary District has approved the plans for sewer lines and indicated it will be able to adequately treat the waste.
9. A storm water drainage plan has been prepared by _____, P.E.
10. The applicant has submitted a *(certified check, certificate of deposit, a performance bond, a letter of credit)* adequate to cover the costs of all required improvements.
11. _____
12. _____

CONCLUSIONS

1. The criteria of Title 30, M.R.S.A., S4956, subsection 3 have been met. *(or)* The following criteria of Title 30, M.R.S.A., S4956, subsection 3 have not been met: _____, _____, _____,

2. The standards of the Towns subdivision ordinance have been met, except for the following which have been waived by the Planning Board: _____, _____, _____,

   (or) The following standards of the Towns subdivision ordinance have not been met: _____, _____, _____,

3. _____

4. _____

DECISION

Based on the above facts and conclusions, on _____ the Planning Board voted to (approve, deny) your application for a subdivision.

(If Approved)

CONDITIONS OF APPROVAL

In order to further promote the purposes of the State Subdivision Law, the Towns Subdivision Ordinance, Zoning Ordinance, and Comprehensive Plan, the Planning Board has voted to impose the following conditions on the approval of this Subdivision:

1. _____

2. _____

3. _____

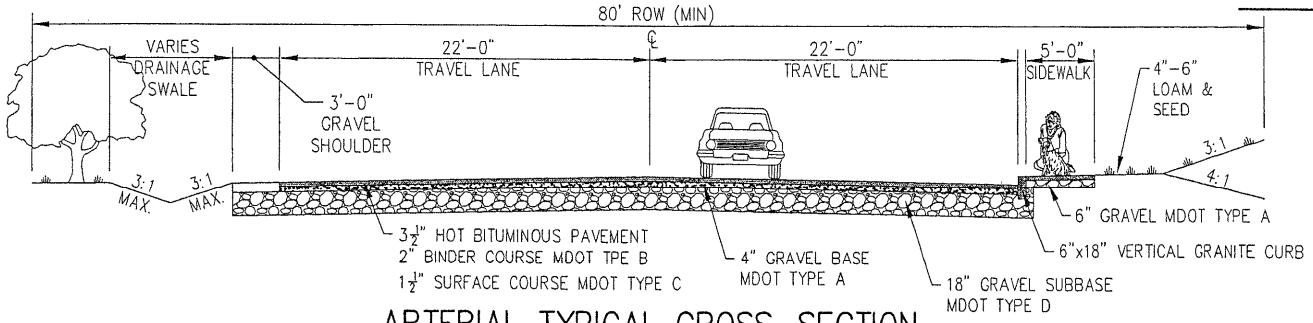
(If Denied)

In accordance with Section _____of the _____ Subdivision Ordinance, you have the right to appeal this decision to the Board of Appeals within thirty days of this notice.

Sincerely,

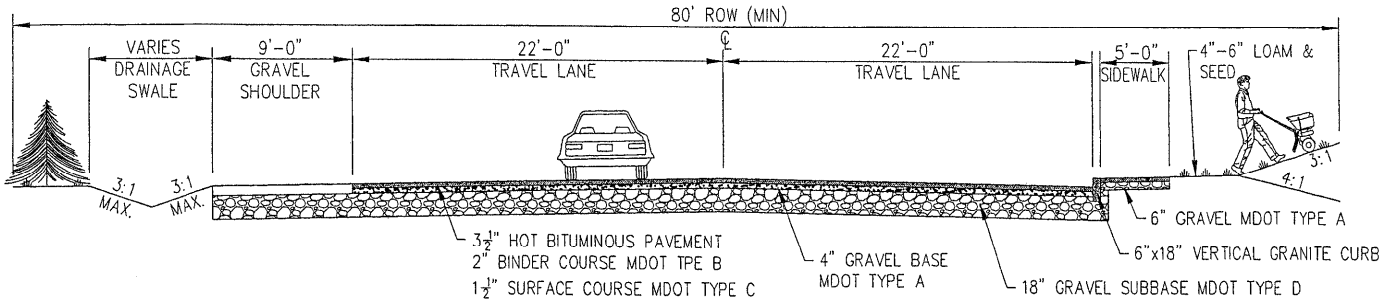
_____
Chairman

Cc: Code Enforcement Officer
Municipal Officers



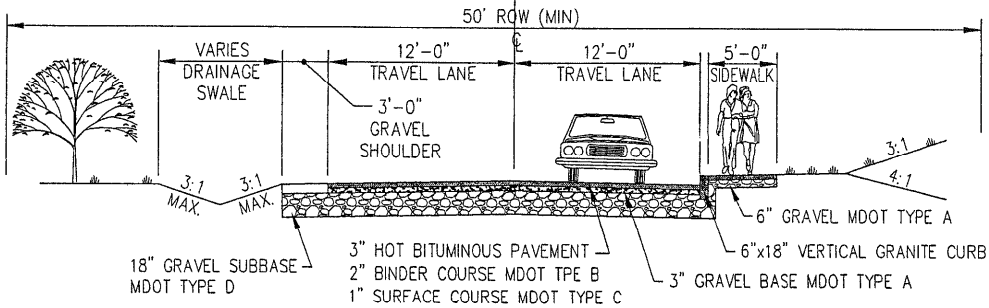
ARTERIAL TYPICAL CROSS-SECTION

NOT TO SCALE



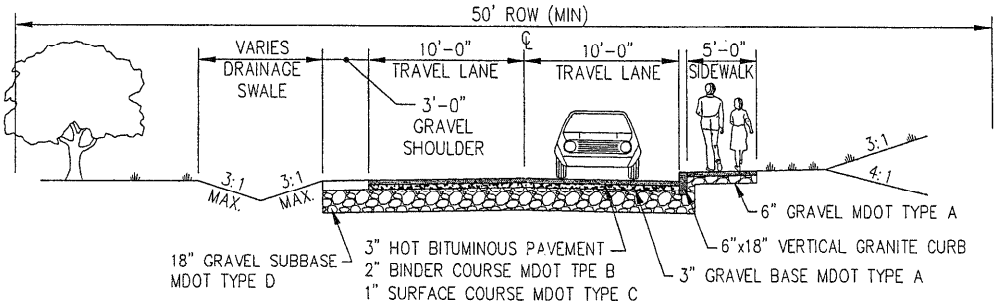
INDUSTRIAL/COMMERCIAL CROSS-SECTION

NOT TO SCALE



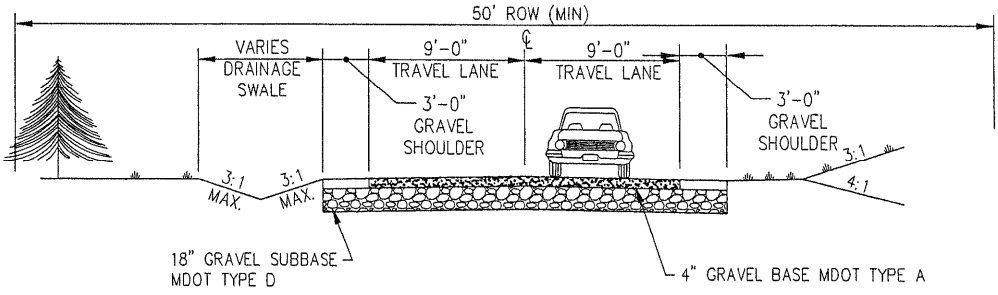
COLLECTOR TYPICAL CROSS-SECTION

NOT TO SCALE



MINOR TYPICAL CROSS-SECTION

NOT TO SCALE



PRIVATE DRIVE TYPICAL CROSS-SECTION

NOT TO SCALE

MAJOR STREETS

MINOR STREETS

PRIVATE STREETS

THIS APPLICATION FORM IS NOT A FORMAL PORTION OF THE NORTH BERWICK SUBDIVIISION ORDINANCE, BUT IS PROVIDED HEREIN AS A CONVENIENCE TO APPLICANTS. THIS FORM MAY BE CHANGED AS THE PLANNING BOARD SO DICTATES.

TOWN OF NORTH BERWICK
APPLICATION FOR SUBDIVISION APPROVAL
PLEASE PRINT CLEARLY

SUBDIVISION NAME_____
MAP_____ LOT_____
DATE_____

APPLICANT INFORMATION:

1. NAME OF PROPERTY OWNER: _____
   ADDRESS: _____
   _____
   _____
   TELEPHONE #: _____
2. NAME OF APPLICANT: _____
   ADDRESS: _____
   _____
   _____
   TELEPHONE #: _____
3. IF APPLICANT IS A CORPORATION, ARE YOU LICENCED IN MAINE?_____
   ATTACH A COPY OF STATE'S REGISTRATION
4. NAME OF APPLICANTS AUTHORIZED AGENT:_____
   ADDRESS: _____
   _____
   _____
   TELEPHONE #: _____
5. NAME OF SURVEYOR: _____
   ADDRESS: _____
   _____
   _____
   TELEPHONE #: _____
   REGISTRATION #: _____
6. NAME OF ENGINEER: _____
   ADDRESS: _____
   _____
   _____
   TELEPHONE #: _____
   REGISTRATION #: _____
7. NAME OF FIRM PREPARING PLAN: _____
   ADDRESS: _____
   _____
   _____
   TELEPHONE #: _____
   REGISTRATION #: _____
8. NAME OF PERSON ALL CORRESPONDANCE R.EGUARDING THIS APPLICATION SHOULD BE SENT TO:
   ADDRESS: _____
   _____
   _____
   TELEPHONE #: _____

9. WHAT LEGAL. INTEREST DOES THE APPLICANT HAVE IN THE PROPERTY TO BE DEVELOPED (ownership, option, purchase and sales agreement etc.)?

_____

10. WHAT INTEREST DOES THE APPLICANT HAVE TN ANY ABUTTING PROPERTY?

11. LAND LOCATION (REGISTRY OF DEEDS) BOOK_____PAGE _____
(TAX MAP) MAP _____LOT _____

12. CURRENT ZONING OF PROPERTY: _____

13. 1S ANY PORTION OF THIS PROPERTY WITHIN 250 FEET OF THE HIGH WATER MARK OF ANY POND, LAKES OR RIVER? ___YES ____NO

14. ACREAGE TO BE DEVELOPED? _____

15. INDICATE THE NATURE OF ANY RESTRICTIVE COVENENTS TO BE PLACED ON THE DEEDS.

_____

_____

16. HAS THIS LAND BEEN PART OF A PRIOR SUBDIVISION? ____YES ____ NO

17. IF YES, HAS THERE BEEN OTHER DIVISIONS OF THIS LAND IN THE PAST FIVE YEARS? ____YES ____ NO

18. IDENTIFY USE (S) OF LAND, (FARM LAND, WOOD LOT, ETC.)

_____

19. DOES THE PARCEL INCLUDE ANY WATERBODIES? ____YES ____ NO

20. 1S ANY PORTION OF LAND WITHIN AN IDENTIFIED FLOODPLAIN? ____YES ____ NO

GENERAL INFORMATION

21. PROPOSED NAME OF DEVELOPMENT: _____

22. NUMBER OF LOTS OR DWELLING UNITS: _____

23. ANTICIPATED DATE FOR START OF CONSTRUCTION: _____

24. ANTICIPATED DATE FOR COMPLETION OF CONSTRUCTION: _____

25. DOES THIS DEVELOPMENT REQUIRE EXTENSION OF PUBLIC INFRASTRUCTURE?
____YES ____ NO ____ ROADS ____ STORM DRAINAGE ____ SIDEWALKS
____ WATERLINES ____ SEWER LINES ____FIRE PROTECTION EQUIPMENT
____OTHER

26. ESTIMATE COST FOR THE INFRASTRUCTURE IMPROVEMENTS. $_____

27. IDENTIFY METHOD OF WATER SUPPLY TO THE PROPOSED DEVELOPMENT

____ INDIVIDUAL WELLS

____ CENTRAL WELL WITH DISTRIBUTED LINES

____ CONNECTION TO PUBLIC WATER SYSTEM

____ OTHER, PLEASE STATE ALTERNATIVE_____

28. IDENTIFY METHOD OF SEWAGE DISPOSAL TO THE PROPOSED DEVELOPMENT

____ INDIVIDUAL SUBSURFACE SYSTEMS

____ CENTRAL ON SITE DISPOSAL WITH DISTRIBUTION LINES

____ CONNECTION TO PUBLIC SEWER SYSTEM

____ OTHER, PLEASE STATE ALTERNATIVE

29. IDENTIFY METHOD OF FIRE PROTECTION FOR THE PROPOSED DEVELOPMENT

____ HYDRANTS CONNECTED TO PUBLIC WATER SYSTEM

____ DRY HYDRANTS LOCATED ON AN EXISTING POND OR WATER BODY

____ EXISTING FIRE POND

____ OTHER, PLEASE STATE ALTERNATIVE.

30. DOES THE APPLICANT PROPOSE TO DEDICATE TO THE TOWN ANY STREETS, RECREATION OR COMMON LANDS?

STREET (S) ____ YES ____ NO ESTIMATED LENGTH_____

RECREATION AREA(S) ____YES ____ NO ESTIMATED ACREAGE_____

COMMON LAND ____YES ____ NO ESTIMATED ACREAGE_____

LIST BELOW THE NAMES AND MAILING ADDRESS OF ABUTITNG PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY: PLEASE PRINT CLEARLY OR ATTACH TYPED LIST STATING HERE THAT ATTACHMENT HAS BEEN PLACED.