Town of
Stockton Springs
Maine

Subdivision Ordinance

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Attested By: Diane E. Reynolds

Title: Town Clerk

Seal:

Prepared by
STOCKTON SPRINGS PLANNING BOARD
With assistance of
PENOBSCOT VALLEY REGIONAL PLANNING BOARD

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SUBDIVISION ORDINANCE
Of the
TOWN OF STOCKTON SPRINGS

ARTICLE 100. PURPOSE

The purpose of these subdivision regulations shall be as follows:

1. To assure the comfort, health, safety, and general welfare of the people;
2. To protect the environment;
3. To provide for the orderly development of a sound and stable community;
4. To uphold the State Subdivision Law, Title 30 MRSA Section 4956.

ARTICLE 200. AUTHORITY AND ADMINISTRATION

210. Authority

211. This ordinance is adopted pursuant to and consistent with Title 30 MRSA Section 4956.

212. This ordinance shall be known and cited as the Subdivision Ordinance for the Town of Stockton Springs.

220. Administering Bodies and Enforcement

221. The Planning Board of the Town of Stockton Springs with the guidance of the appointed Code Enforcement officer or Assistant Code Enforcement Officer(s), and the Selectmen (as specified in the ordinance) shall administer this ordinance. The Planning Board shall have a written agenda posted in advance of a meeting.

221.01. The Stockton Springs Planning Board is comprised of a seven (7) member board comprised of five (5) regular members and two (2) alternate members, who are residents of Stockton Springs. Members serve a staggered term of three years and are appointed by the Board of Selectmen. The Planning Board acts as the planning and study committee of the Town and advises the Selectmen with regard to changes in the Town's planning ordinances. The Planning Board has the authority to review subdivision as specified elsewhere in this ordinance.

222. The provisions of this ordinance shall pertain to all land proposed for subdivision as herein defined within the boundaries of the Town of Stockton Springs.

223. 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 Planning Board 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.

B. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance or waiver 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 or waiver, including any conditions, has been granted and the date of the granting.

(2) The variance or waiver is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or approval under Title 38, chapter 3, subchapter I, article 6, where applicable, whichever date is later, or the variance or waiver is void.

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 or 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.

C. A building inspector 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.

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 Title 30-A section 4452.

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 that depicted on the approved plans or amendments or in violation of any condition imposed by the Planning Board or the Department of Environmental Protection, when applicable, shall be penalized in accordance with section 4452.

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 be included in the instrument of sale, lease or convey to the transferee that all of the requirements of Title 38, section 488, subsection 5, have been and will be satisfied.

224. The Board of Selectmen of the Town of Stockton Springs, Code Enforcement Officer, or the Planning Board of the Town of Stockton Springs, may institute proceedings to enjoin violations of this ordinance, and if a violation is found in court, the Town of Stockton Springs may be allowed attorneys' fees.

225. Any person, firm, corporation or other legal entity found guilty of a violation of this ordinance shall be punished in accordance with Title 30-A section 4452.

226. Fees shall be established by the Board of Selectmen from time to time upon recommendation from the Planning Board. The fee schedule will be provided to the applicant by the Code Enforcement Officer. Fees shall be established sufficient to cover the cost to the Town in administering the provisions of the Ordinance.

ARTICLE 300 Waivers and Modification of these Regulations

310 - Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, or where there are special circumstances of a particular plan, it may waive any of these regulations provided that such waiver will not have the effect of nullifying the purpose of these regulations, the Comprehensive Plan, the Shoreland Zoning Ordinance, or any other ordinance.

320- In granting any waiver, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of-the requirements so waived. Such waiver shall not in any way jeopardize the health, welfare, or safety of the community.

ARTICLE 400 - Validity, Effective Date, Conflict of Ordinances-

410 - Should any section or provision of these regulations be declared by the courts to be invalid, such section shall not invalidate any other section or provision of these regulations, and to this end, the provisions of these regulations are hereby declared to be severable.

420 -The effective date of these regulations is March 21, 1983.

430 -These regulations shall not be repealed, annulled, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of the law. Where these regulations impose a higher standard for the protection and promotion of health and safety, the provision of these regulations shall prevail.

440 - A copy of these regulations shall be filed with the Town Clerk and shall be accessible to any member of the public.

ARTICLE 500 - Amendments

These regulations may be amended by a majority vote of the Town at Town Meeting. A copy of all amendments shall be filed with the Town Clerk.

ARTICLE 600 - Appeals

An appeal may be taken, within 30 days from the Planning Board's decision on the Final Plan, by any party to Superior Court in accordance with Rule 80B of the Rules and Civil Procedure.

ARTICLE 700 - Definitions

710 - For the purpose of this Ordinance, the following terms, phrases, words and their definitions shall have the meaning given herein. When non-consistent with the context, words used in the singular include the plural. The word "SHALL" is always mandatory and not discretionary in sense. Further, any terms, phrases, words and their derivative not defined herein, shall be given that definition which is promulgated in Webster's New World Dictionary, Fifth College Edition Copyright 1991, on file in the Town Clerk's Office.

720 - The following words and terms, for the purpose of this ordinance, shall be defined as follows:

721 - Freshwater wetland. "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas which are:

A. Inundated or saturated by surface or groundwater at a frequency and for duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils: and

B. Not considered part of a great pond, coastal wetland, river, stream or brook.

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

722 - Minor Subdivision-A subdivision with less than five (5) lots which does not involve the construction or reconstruction of a new street and/or the extension of public water lines and/or the construction of a storm drainage system and/or the construction of a public sewage disposal system.

723 - Major Subdivision - A subdivision which is not a minor subdivision.

724 - Modification of Subdivision Permit

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Minor Modification of Subdivision Plan - A change in a previously approved subdivision plan which does not involve an increase in the number of lots or new roadways, such as a change in lot lines.

Amendment of Subdivision Plan - A change in a previously approved subdivision plan which involves the addition of new lots or new roadways.

725 - Outstanding River Segments - In accordance with Title 12, section 402, "outstanding river segments" means:

The Penobscot River, including the Eastern Channel around Verona Island, from Odim's Ledge in Sandy Point to the Veazie Dam.

726 - Subdivision - "Subdivision" means the division of a tract or parcel of land into three (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 three (3) or more dwelling units within a 5-year period, the construction or placement of three (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 three (3) or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of the tract or parcel is considered to create the first two (2) lots and the next dividing of either of these first two lots, by whomever accomplished, is considered to create a third 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 or for open space as defined in Title 36, section 1102, for a period of at least five (5) years before the second dividing occurs; 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 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 Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent subdividing.

C. A lot of 40 or more acres shall not be counted as a lot, except:

(1) When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance; or

(2) When the municipality has, by ordinance, or the Planning Board has, by regulation, elected to count lots of 40 or more acres for the purposes of this subchapter when the parcel of land being subdivided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance.

D. A division accomplished by device, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, a gift to a municipality, or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the intent of this subchapter. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within five (5) years to another person not related to the donor of the exempt real estate by blood; marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into three (3) or more lots, and upon each of which lot has a permanent dwelling structure(s) legally existing before September 23, 1971 is not a subdivision.

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

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the Planning Board has determined that the units are not otherwise subject to municipal review at least as stringent as that required under this subchapter.

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority which expands the definition of subdivision to include the division of a structure for commercial or industrial use or which otherwise regulates land use activities.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, 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.

Exceptions: This subchapter does not apply to:

1. Previously approved subdivisions. Proposed subdivisions approved by the Planning Board before September 23, 1971 in accordance with laws then in effect;

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

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

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; or

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 223 above;

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;

C. For which a lot owner was denied a building permit under section 223, and record of the denial was recorded in the appropriate registry of deeds; or

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.

727 - Street - A street means Public Way, as defined in M.R.S.A. Title 29-A, State of Maine Motor Vehicle Law, Section 101 Definitions.

Public Street - Any street which has been officially accepted by the Town of Stockton Springs as a public way.

Minor Street - street which serves primarily as an access to abutting properties.

Collector Street - A street which connects one or more minor streets with an arterial street.

728 - Tract or, parcel-of land - All contiguous land in separate tract of land unless such road was established by the owner of land on both sides thereof.

729. Road Design Definitions

A. Right of Way - all lands or other property interest provided or acquired for the development and operation of a road, which could include drainage and slope easements.

B. Base - that portion of the roadway constructed of special material on the subgrade and supporting the surface and pavement.

C. Shoulders - that portion of the roadway lying immediately outside the edge of the pavement.

D. Subgrade - that portion of the roadway upon which the base and shoulders are constructed.

E. Surfacing - that portion of the roadway constructed on the base course to facilitate fine grading and produce good rideability.

F. Surface Treatment - any bituminous treatment applied on the surfacing course, such as a tarred surface pavement applied at a rate of one gallon per square yard with at least 1.5 inches of penetration.

730. Adequate water pressure - Pursuant to State of Maine Rules Relating to Drinking Water, Title 22, Chapter 601, Section 4A. Water Pressure, as the same, may from time to time, be amended or replaced. All community water systems shall be operated and maintained to provide minimum positive pressure of 20 psi at the curb cock, except as otherwise provided for in limited service agreements.

ARTICLE 800- Procedures for Subdivision Review

810 - Introduction- Whenever any subdivision of land is proposed in the Town of Stockton Springs, the subdivider, or his/her duly authorized agent, shall apply in writing for approval of such proposed subdivision in accordance with the procedures in Section 820, 830, and 840.

811 - Changes to a Previously Approved Plan - Whenever changes are made to a previously approved plan, the subdivider, or their agent, shall apply in writing for approval of the changes.

812 - Review Criteria- When reviewing a subdivision for approval the Planning Board shall consider the following criteria, and before granting approval must determine that:

(1) Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination the following shall be considered: :

A. The elevation of the land above sea level and its relation to the flood plains;
B. The nature of the soils and subsoils and their suitability to adequately support waste disposal;
C. The slope of the land and its effect on effluents;
D. The availability of rivers, streams, ponds, wetlands, and shorelands for the disposal of effluents; and
E. The applicable state and local health and water resources rules and regulations;

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

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

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

(5) Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed;

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

(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 used;

(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;

(9) Conformity with local ordinances and plans. The proposed subdivision conforms to a duly adopted comprehensive plan, if any. In making this determination the Planning Board may interpret the Comprehensive Plan;

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

(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 of 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 extend 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 definition requirements of section 4401, subsection I, on September 23, 1983.

(12) Groundwater. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

(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;

(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;

(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;

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

(17) Spaghetti lots prohibited. If any lot or 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;

(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;

(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

(20) Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869 (14). In reviewing the criteria, the Planning Board shall consider the provisions of Title 30-A, M.R.S.A. §4404 (20).

820 - Sketch Plan Review Phase

821 - The subdivider shall submit ten (10) copies of a sketch plan and application to the Code Enforcement Officer fifteen (15) days prior to the meeting in which the proposal is scheduled for discussion, and the subdivider, or his/her authorized agent, shall be present at the meeting to discuss the proposal with the Planning Board.

822 The purposes of this conference between the subdivider and the Planning Board are:

1. To classify the subdivision as a major or minor subdivision;

2. To provide an opportunity for the subdivider and the Planning Board to informally review the subdivider's ideas for the use of the land;

3. To discuss procedures for subdivision review and approval;

4. To vote whether to waive the requirement for preliminary approval for minor subdivisions;

5. If road construction is involved in the proposal, the Planning Board shall classify the road as either minor or collector.

6. To discuss any apparent potential problems associated with the subdivision; and

7. To arrange for on-site inspection of the subdivision site.

823 - The sketch plan shall consist of an outline of the proposed subdivision, drawn on a map, showing the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch. Accompanying the sketch plan shall be a written application which includes a description of existing covenants and easements and shoreland zoning; medium intensity soils survey information; information about available community facilities and utilities on or near the site; information describing the subdivision proposal including the number of residential lots, typical lot width and depth; plans regarding sewer and water service, floodplain, erosion control, stormwater management, and road construction and provisions for safe traffic movement; and any proposed non-residential areas.

824 - Other than the classification of the subdivision and the roads (if necessary), and establishing procedure for subdivision review, no binding commitments shall be made between the subdivider and the Board at this stage.

825 - The Planning Board shall act on the sketch plan within 15 days of the time it is submitted and shall notify the subdivider of its action in writing, within 15 days of its action.

826 - Inspection of-Site - The Planning Board shall appoint an individual to act as its representative to conduct an on-site inspection, unless a waiver of inspection has been voted by the Board. The sketch plan phase of the review process shall not be considered complete until such inspection has been made.

830 - Preliminary Plan Phase

831 - Purpose -The Purpose of the Preliminary Plan Phase Review is to give the Planning Board an opportunity to review the subdivider's proposal while it is in the planning stage, and to make recommendations to the subdivider as seem appropriate based on state and local laws and regulations. The intent is that all major issues relative to the design of the subdivision will be identified and resolved prior to the submission of the Final Plan.

832 - Procedure -

832.1 - Application - Within six months after the classification of the Sketch Plan by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification.

The Preliminary Plan shall substantially conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. For a minor subdivision, as defined, the Board may vote to waive the requirement for submission of A Preliminary Plan.

832.2 - The application approval of the Preliminary Plan shall be accompanied by the fee as set forth on the fee schedule, located in the Application, License, Permits, and Other Fees Ordinance.

832.3 - The subdivider, or his/her duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.

832.4 - The time of submission of the Preliminary Plan shall be considered to be the date of the regular monthly meeting of the Planning Board; at least fifteen days prior to which ten (10) copies of the application for Preliminary Plan approval, complete and accompanied by the fee and all data required by Section 833 of this ordinance have been filed with the Code Enforcement Officer .

832.5 - Public Hearing - The Planning Board may hold a public hearing on the Preliminary Plan. If it determines that a public hearing shall be held, it shall be held within 30 days of the time of Submission of the Preliminary Plan. Said hearing shall be advertised in a newspaper of general circulation in Stockton Springs at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. The Planning Board shall send notice of such public hearing by Certified Mail, Return Receipt Requested, to all owners of property with 500 feet of any boundary of the proposed subdivision. Said notice shall be mailed no later than 10 days prior to the date of the public hearing. The purpose of the public hearing shall be for the Planning Board to receive testimony from the public relative to any municipal or state ordinance, standard, or regulation which is applicable to the proposed subdivision and the relationship of the subdivision to the ordinance, standard, or regulation. All mailing and publication costs shall be reimbursed to the Town, whether or not the meeting is held or approval is granted. The Board may ask for prepayment of these costs prior to the hearing. Any funds not used will be reimbursed to the applicant.

832.6 Within 30 days after the public hearing, or within 60 days of the date of submission of the plan if no public hearing is held, the Planning Board shall take action to give preliminary approval, with or without modifications, or to disapprove such Preliminary Plan. The reasons for any modification required, or the grounds for disapproval, shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within the required time limit shall constitute preliminary approval.

832. 7 When granting approval to a Preliminary Plan, the Planning 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 its opinion may be waived without jeopardy to the public health, safety, and general welfare. The Planning Board shall notify the subdivider, in writing, of its decision and any conditions and reasons associated with it.

832.8 Approval of a Preliminary Plan shall not constitute approval of the Final Plan but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any.

833 - Submissions - The Preliminary Subdivision Plan shall be submitted, in the appropriate number of copies, which may be either printed or reproduced on paper. The Preliminary Plan shall be not less than 8.5" by 11" and no more than 29" by 36". The Plan shall be drawn to scale in which one (1) inch equals no more than 100 feet. The Preliminary Plan and supporting data shall include the following information.

833 .1 Information about the Applicant

Information on the Plan.	Written Information to accompany plan.	
X	X	1. Name of owner.
X	X	2. Name of applicant (if other than owner).
X	X	3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
	X	4. Name of the applicant's authorized representative.
X	X	5. Name, address, and number of Registered Professional Engineer or Land Surveyor's prepared plan.
	X	6. Address to which all correspondence from the Planning Board should be sent.
	X	7. What interest does the applicant have in the parcel to be subdivided (option, land purchase, contract, record ownership, etc.)?
X	X	8. What interest does the applicant have in any property abutting the parcel to be subdivided?
	X	9. State whether Preliminary Plan covers entire contiguous holdings of applicant or not.

833.2 Information on Parcel to be Subdivided

Information on the Plan	Written Information to accompany plan.	
	X	1. Location of property: Book and Page (From Register of Deeds).
	X	2. Location of Property: Map and Lot (From Assessor's Office).
X	X	3. Map survey of tract to be subdivided, certified by a registered Land Surveyor, tied to established reference points (attach to application).
	X	4. Acreage of parcel to be subdivided.
X	X	5. A soils report, identifying soil types and location of soil test areas. Evidence of soil suitability according to the Maine Plumbing Code shall be presented if subsurface sewage disposal is proposed. There shall be at least one soil test per lot if subsurface sewage disposal is proposed.
Information on the Plan	Written Information to accompany plan.	
X		6. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided.
	X	7. Indicate the nature of any restrictive covenants to be placed on the deeds.
X	X	8. Shoreland zoning and/or floodplain, if applicable

X	X	9. Outstanding river segments, if applicable.
X	X	10. Significant Wildlife Habitat as defined by the Department of Inland Fisheries and Wildlife.

833.3 Information on Subdivision

Information on the Plan	Written Information to accompany plan.	
X	X	1. Proposed name of subdivision.
X	X	2. Number of lots and lot sizes.
X		3. Date, north point, graphic map scale.
X	X	4. Proposed lot lines with approximate dimensions and suggested locations of buildings, subsurface sewage disposal systems, and wells.
X		5. Location of all parcels to be dedicated to public use and the conditions of such dedication.
X		6. A location map showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within 2,000 feet of any property line of the proposed subdivision.
X		7. Location and size of existing watercourses (i.e., rivers, streams and brooks) and other essential existing physical features including wetlands and floodplains.
X		8. Location and size of any existing sewers and water mains, and culverts and drains on the property.
X		9. Location, names and widths of existing and proposed streets, highways, easements, building setbacks lines, parks and other open spaces. Traffic safety provisions required by state or local ordinance shall also be shown.
X		10. Contour lines at an interval of not more than five (5) feet in elevation, unless otherwise specified by the Board. All elevations shall be referred to U.S.G.S. datum.
X		11. Typical cross-sections of proposed grading for roadways and sidewalks.
X		12. Storm drainage plan indicating the approximate location and size of proposed lines and means of stormwater disposal. The disposal of stormwater runoff shall conform with state law.
X		13. The approximate location and size of all proposed water and sewer lines, valves, pump stations, and hydrants. Also, connections to existing water or alternative method of water supply and method of sewage disposal shall be shown.
X		14. Location of all existing and proposed utilities such as electricity and telephone.
X		15. Location and type of landscaping including natural growth to be left in place and nursery stock to be planted. This information may be indicated on a Preliminary Plan print.

X		16. If the application covers only a part of the subdivider's entire holding, a map of the entire tract drawn at a scale of one-inch equals not more than 50 feet, showing an outline of the platted area with its proposed streets and an indication of the probable future street system in the remaining portion of the tract. The part of the subdivider's holding submitted shall be considered in light of the entire holding.
X	X	17. If the preliminary application covers more than the Final Plan will cover, a map showing the phasing of the entire project, drawn at a scale of one-inch equals not more than 50 feet and indicating the proposed timing of each phase.
X	X	18. Other reasonable information not indicated above, as specified by the Planning Board.

840 - Final Plan Phase

841 - Procedure

1. Within six (6) months of the date of the Planning Board action on the Preliminary Plan or, if the Preliminary Plan requirement has been waived, within six (6) months of the Planning Board's vote to waive the requirement, the subdivider shall submit the Final Plan to the Planning Board. Failure to submit the Final Plan within the designated time period may require resubmission of the Preliminary Plan if such is required or of the sketch plan if the Preliminary Plan was not required. However, the subdivider may submit a Final Plan for only part of the subdivision approved in the Preliminary Plan. In that case, each successive phase shall be submitted within three years of the preceding phase. The Final Plan shall consist of two (2) original transparencies of one (1) or more maps or drawings and ten (10) copies of all items (including maps, drawings, and written information) necessary to complete the submission.

2. The application for approval of the final plan shall be accompanied-by a technical review fee as set forth in the Application, License, Permit, and Other Fees Ordinance. The technical review fee shall be for consulting fees needed to review the application. The technical review fees shall be placed in a special account. Should the account be drawn down by more than 80%, the applicant shall pay an additional $100 per lot. Any money left over after the Town review is complete shall be returned to the applicant. Fees collected may be increased to adequately cover the cost of hiring professional consultants to carry out project review if determined necessary or desirable by the Planning Board.

3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the final plan.

4. The time of submission of the final plan shall be considered to be the date of the regular monthly meeting of the Planning Board; at least fifteen days prior to which the complete application, accompanied by the required fee, has been filed with the Code Enforcement Officer. The Planning Board shall issue the subdivider a dated receipt for the final plan at the time of submission of the final plan.

5. Within 30 days from receipt of a final plan, the Planning Board shall notify the subdivider in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has be filed, it shall notify the subdivider and begin its full evaluation of the proposed subdivision.

6. Prior to submitting the final plan, the subdivider of a major subdivision in which new roads will be built or existing roads will be upgraded, shall file an Improvement Guarantee with the Selectmen. The purpose of the guarantee is to ensure that all required subdivision improvements shall be satisfactorily completed. The amount, form and duration of the guarantee shall be that defined under Article 900 of this ordinance.

7. Public Hearing - The Planning Board may hold a public hearing on the final plan. If it determines that a public hearing shall be held, it shall be held within 30 days of the time of submission of the Final Plan. Said hearing shall be advertised in a newspaper of general circulation in Stockton Springs at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. The Board shall send notice of such public hearing by First Class Mail, Return Receipt Requested, to all owners of property with 500 feet of any boundary of the proposed subdivision. Said notice shall be mailed no later than 10 days prior to the date of the public hearing. The purpose of the public hearing shall be for the Planning Board to receive testimony from the public relative to any municipal or state ordinance, standard, or regulation which is applicable to the proposed subdivision and the relationship of the subdivision to the ordinance, standard, or regulation. All mailing and costs of publication shall be reimbursed to the Town, whether or not the meeting is held or approval is granted. The Board may ask for prepayment of these costs prior to the hearing. Any funds not used will be reimbursed to the applicant.

8. Review and Action on Final Plan - The Board shall, within 30 days of a public hearing; or within 60 days of having received a complete application if no public hearing is held; or within such other time limit as may be mutually agreed to by the Board and the subdivider, review the application and deny to grant approval of the proposed subdivision, or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations and State Law and to preserve the public's health, safety and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Planning Board shall make Findings of Fact establishing that the proposed subdivision does or does not meet the provisions of these regulations and the State Subdivision Law.

9. Upon approval of the plan, at least a majority of the Board members present and eligible to vote shall sign both transparencies and the date and any conditions of approval shall be written on both transparencies. One (1) signed transparency shall be returned to the subdivider for filing with the Registry of Deeds and one (1) signed transparency shall be retained by the Planning Board. The Planning Board shall maintain permanent record of their action on the Final Plan.

10. No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed, in writing, on the plan, unless the plan is first re-submitted to the Planning Board and the Board approves the modifications. In the event that any such subdivision plan is recorded without complying with this requirement, the same shall be considered null and void.

11. A recording fee shall be required by the applicant. Amount determined by the Application, License, Permit, & Other Fees Ordinance. This fee shall be returned to the applicant after a signed and recorded plan is returned to the Town. The subdivider shall file a signed subdivision plan at the Waldo County Registry of Deeds within 90 days of the date of approval. Any plan not filed within ninety days will be considered null and void unless the particular circumstances of said subdivider or subdivision warrant the Planning Board to grant an extension.

12. If the Planning Board fails to take action within 60 days of the time of submission of a complete Final Plan, or within the mutually agreed to time as specified above, the subdivision plan shall be deemed unapproved.

13. Approval of a subdivision plan does not imply that any road in the subdivision will be accepted by the Town. Only the legislative body of the Town of Stockton Springs, the Town Meeting, can accept a road as a public way.

842 - Submissions-Eight (8) paper copies and one (1) mylar copy of the Final Plan shall be submitted to the Planning Board for signatures. The Final Plan shall be not less than 8.5" by 11" and 24" by 36". The plan shall be drawn at a scale in which one (1) inch equals no more than 100 feet and shall be oriented so the north direction is the same on all sheets.

In addition to all applicable items required on the Preliminary Plan otherwise indicated by the Planning Board, the following items shall be required as part of the Final Plan submissions:

Submission

Information on the Plan	Written Information to accompany plan.	
X		1. Registered Land Surveyor or Engineer-The name, registration number, seal, and signature of the land surveyor and/or engineer who prepared the plan. This information shall be on all sheets including cross section and profile sheets.
X		2. Streets - The names and lines, lengths of all straight lines, the deflection of angles, radii, lengths of curves, and tangent distances and bearings (shown on plan).
X		3. Street Profiles - Profiles of center lines of proposed new streets on sheets separate from the plan, at a horizontal scale of one-inch equals 40 feet; profiles of all proposed sewers shall be shown on street profiles, when applicable, at the same scale. All elevations shall refer to U.S.G.S. datum.
X		4. Street Cross Sections - Cross sections at 50 foot horizontal intervals of proposed new streets, on sheets separated from the plan, plotted at a scale of one-inch equals five (5) feet. All elevations shall refer to U.S.G.S. datum.
X		5. Sewer Profiles - If a congregate sewage disposal system is proposed, a plan and profile of the system to be used and evidence that it will comply with the State of Maine Plumbing Code.

X		6. Storm Drainage Plan - Indicating the location and size of the proposed lines and their profiles and means of disposal.
X	X	7. Open Spaces - The designation of all easements, areas reserved for or dedicated to public use, and areas reserved by the subdivider. If open space or recreational land is to be dedicated to the Town, accompanying the plan shall be written copies of any documents of land dedication and a letter from the Town Attorney that he/she is satisfied with the legal sufficiency of the documents conveying such land dedication. Only the legislative body of the Town of Stockton Springs, the Town Meeting, can accept land as an open space.
X		8. Lots - The location, bearing, and length of every line, with all lots to be numbered in accordance with the practice of the Town of Stockton Springs.
X		9. Permanent Reference Monuments - The location of permanent monuments and pins, set at all lot comers, and identified as existing and proposed.
	X	10. Improvement Guarantee - Accompanying the plan shall be a letter from the Selectmen indicating that the form, amount and duration of the improvement guarantee is sufficient and that it has been filed with them, or, in the case of sequential approval, that the Planning Board must limit its approval according to the guarantee.
X		11. Approval Space - Suitable space to record on the approval plan the data and conditions of approval, if any. This space shall be similar to the following examples.

Approved: Town of Stockton Springs Planning Board

_____, Chairman

_____

_____

_____

_____

_____

Date _____

Conditions _____

12. Accompanying Data- If public water is proposed, accompanying the Final Plan shall be a letter from the Superintendent of the Water District stating conditions on which the district will supply water, and approving the size and locations of mains, and size and location of hydrants proposed.

13. Whenever an approval of a subdivision is based on the granting of a variance or waiver from any applicable 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 or waiver, including any conditions on the variance or waiver, has been granted, and the date of the granting.

(2) The variance or waiver is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or approval under Title 38, chapter 3, subchapter I, article 6, where applicable, whichever date is later, or the variance or waiver is voided.

14. 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 (the so called "Cluster Subdivision" exemption) 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.

ARTICLE 900 - Improvement Guarantees

910 - Improvement Guarantees Required - Before the submission of a Final Plan, the subdivider in all major subdivisions as defined in Article 724 shall provide the Town with improvement guarantees, in the form of one or more, of the guarantee options listed below, in an amount that will cover at least 100% of the cost of completing the construction of street and stone drainage system, should the subdivider fail to complete the required improvements or fail to complete them satisfactorily in accordance with the approved final subdivision plan.

920 - Procedure - The subdivider shall file with the Selectmen a proposed improvement guarantee and the Selectmen shall determine whether the form, amount and duration of the improvement guarantee are sufficient. In the event the Selectmen refuse to approve the proposed improvement guarantee as filed by the subdivider, they shall so inform the subdivider. In the event the Selectmen approve the proposed improvement guarantee as filed by the subdivider, they shall notify the Planning Board. The Planning Board shall not grant final approval until it has received such notification from the Selectmen. The burden of submitting improvement guarantees in compliance with this ordinance shall at all times remain with the subdivider.

921 - Sequential Approval- If the subdivider chooses and the Selectmen approve the improvement guarantee option of sequential approval, the procedure shall be the same as the

procedure established under Article 920. However, the Selectmen shall notify the planning Board that the sequential approval option has been chosen and the Planning Board shall not grant further subdivision approvals in that subdivision or to that subdivider until the Selectmen have notified the Planning Board that the work guaranteed in the approved phase has been atisfactorily completed. In addition, before the option of sequential approval is allowed, the subdivider must obtain approval from the Planning Board of his Preliminary Plan for the entire proposed subdivision.

930 -Time Limit

931 - Completion Deadline - All required improvements within a subdivision shall be completed within two (2) years of final subdivision approval. The improvement guarantee must provide performance protection to the Town during said two (2) year period plus at least six (6) months following the expiration of the two (2) year period. The additional 6 month period is required as protection to the Town in the event the subdivider fails to complete the required improvements or fails to complete them satisfactorily.

932 - Extension - The Selectmen may extend the completion deadline for two additional years at one (1) year increments only when the subdivider presents substantial reason for doing so. No request for extension shall be considered until at lease 6 months prior to the original or extended completion deadline. Before extending the initial deadline or the initial extension, the Selectmen shall require that the improvement guarantee be extended in duration to cover the extended period of time--plus an additional six (6) months period. Before extending the initial deadline, or the initial extension, the Selectmen shall review the form and amount of the improvement guarantee to make certain it remains adequate.

940 - Inspection and certification

941 - The Selectmen or their duly appointed representative shall regularly inspect the construction of the required improvements for defects. The subdivider shall cooperate with the Selectmen or their representative who is carrying out these inspections. Upon completion of the improvements the Selectmen shall notify the subdivider and the Planning Board, in writing, that the improvements have or have not been satisfactorily completed according to the approved final subdivision plan, if the improvements have not been satisfactorily completed, the Selectmen shall list the defects.

942 - Upon completion of the improvements, the subdivider shall file the following with the Selectmen:

1. A sworn statement from the subdivider's engineer stating all required improvement are completed in strict compliance with all applicable construction standards, and the approved subdivision plan; and that the engineer knows of no defects, from any cause, in the improvements;

2. A sworn statement from the subdivider that the improvements are free and clear of any encumbrance or lien; and that the subdivider knows of no defects, from any cause, in the improvements.

950 - Release of Guarantee - As soon as the Selectmen, or their authorized representative, have inspected the improvements and certified that they are satisfactorily completed, and the

subdivider has filed the letter required. in Section 942 of this ordinance with the Selectmen, the Selectmen shall release the previously required improvement guarantee to the subdivider.

960 - Reduction of Guarantee - No improvement guarantee shall be reduced in value until all required improvements are satisfactorily completed.

970 - Incomplete or Unsatisfactory Work- If the Selectmen determine, according to the procedures laid out in Section 940 of this ordinance, that the improvements have not been satisfactorily complete according to the accepted subdivision plan within the agreed upon time, they shall inform the subdivider, in writing, of the Town's intent to exercise its rights against the improvement guarantee, they shall exercise any and all such rights; and shall cause the incomplete or unsatisfactory work to be completed and to be paid for from the improvement guarantee assets. Any guarantee assets, unused in the completion of the unsatisfactory or incomplete work, may be returned to the subdivider at the discretion of the Selectmen.

980 - Improvement Guarantee Options

981 - Performance Bond - Under this improvement guarantee option, the subdivider shall obtain a subdivision bond from a surety bonding company authorized to do business in the State of Maine. The bond shall be payable to the Town of Stockton Springs and shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered Professional Engineer and as approved by the Selectmen. The duration of the bond shall be for a period of time acceptable to the Selectmen, but in any case, shall be for at least two (2) years and six (6) months and for not more than three (3) years, unless the subdivider is granted an extension in accordance with Section 932 of this ordinance. In the event an extension is granted, the Selectmen shall require the duration of the subdivision bond to be extended for at least six (6) months from the termination of the new time limit.

982 - Property Escrow - Under this improvement guarantee option, the subdivider shall provide real estate as a guarantee. The value of such property shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered Professional' Engineer and as approved by the Selectmen.

If property escrow is proposed for the improvement guarantee, the subdivider must comply with the following requirements:

1. The value of the real estate shall be the value as established by the Town Assessor, and in making his valuation, the Town Assessor shall take into account the possibility of a decline in value during the term of the improvement guarantee.

2. The subdivider shall, at his expense, provide the Town with a title option from an attorney approved by the Town; said title option shall establish that the subdivider has good and clear title to the premises, free of all liens and encumbrances. However, if encumbrances do exist on said real estate, the Selectmen may, at their discretion, accept the proposed real estate as security, providing that they determine that it is in the Town's best interest to do so.

3. The subdivider shall enter into an Agreement with the Town and a mortgage, which mortgage shall be recorded in the Registry of Deeds; said Agreement and mortgage shall provide that the Town, unless the subdivider satisfactorily completes the required improvements in accordance with this ordinance and with the approved final subdivision

plan. Said Agreement and mortgage shall be in such form and shall contain such additional provisions as may be required by the Selectmen.

983 - Letter of Credit - Under this improvement guarantee option, the subdivider shall provide as a guarantee an irrevocable letter of credit from a bank or other reputable institution satisfactory to the Selectmen, such letter of credit shall be in form satisfactory to the Selectmen and shall be for an amount sufficient to cover the full costs of all required improvements as estimated by a registered Professional Engineer and as approved by the Selectmen. The letter of credit shall be deposited with the Selectmen and shall certify the following:

1. That the creditor does guarantee funds in an amount equal to the costs as estimated for the subdivider by a registered Professional Engineer.

2. That, in case of failure on the part of the subdivider to complete the specified improvements satisfactorily within the required time period, the creditor shall pay to the Town of Stockton Springs immediately, and without further action, such funds as are necessary to finance the proper completion of these improvements, up to the credit limit stated in the letter;

3. That the letter of credit is valid for the period of time required by the Selectmen. The period of time, not less than two (2) years and six (6) months from the date of subdivision approval shall be stated in the letter. During that time, the letter may not be withdrawn or reduced in amount except with the approval of the Selectmen.

984 - Cash Escrow - Under this improvement guarantee option, the subdivider shall provide a notarized letter as a guarantee cash held in an account at a bank, or other reputable institution subject to the approval of the Selectmen. The amount of cash shall be in an amount sufficient to cover the full cost of all the required improvements as estimated by a registered Professional Engineer and approved by the Selectmen. The subdivider shall enter into an Agreement with the Town that shall stipulate the terms under which a cash escrow may be accepted by the Town.

990 - Sequential Approval - Where a subdivision is to be developed in several sections and where the Preliminary Plan, as approved, shows the proposed subdivision for the entire tract of land, the Selectmen may, at their discretion, waive the use of any other form of guarantee herein specified on the initial sections provided that such sections may not be larger than 16 lots or 50 percent of the total lots in the subdivision, whichever is less. If this option is approved, the Selectmen shall so notify the Planning Board. The Selectmen shall further inform the Planning Board of the number of lots which can be approved and that no further final subdivision approvals may be granted in the subdivision, or to the subdivider, until the improvements are approved The Selectmen shall notify the Planning Board, thus allowing it to consider further sections of the subdivision. This process of sequential approval may continue, one section at a time, with the Final Plan approval for each succeeding section being contingent upon the satisfactory completion of all contracted improvements in each preceding section, and acceptance of those improvements in accordance with Section 940 of this ordinance, and within any required time limits. Completion of improvements in the final section of the subdivision, which shall include at least 16 lots, or 50 percent of the total number of lots in the subdivision, whichever is less, must be guaranteed through the use of one or more of the other improvement guarantee options provided in this ordinance. If a subdivider wishes to use this form of improvement guarantee, he/she must include in this Preliminary Plan information on the phasing of the entire project, including the expected timing of the project and the lots and improvements to be developed and/or completed in each section of the subdivision.

ARTICLE 1000- General Requirements and Design Standards

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article 300 of this ordinance.

1001 - General Requirements

1011 - Conformity with other laws regulations - All proposed subdivisions shall be in conformity with the Comprehensive Plan of the Town of Stockton Springs, as amended, and with the provisions of all pertinent state and local codes, ordinances, laws, and regulations.
Subdivision Ordinance Updated June 14, 2003

1012 - Character of the Land - The Planning Board shall not approve such portions of any proposed subdivision that are located on land below sea level, within the 50 year frequency flood plain, or on land which must be filled or drained, or on land created by diverting a watercourse, or on land which cannot be provided with adequate means of sewage disposal. In no instance shall the Planning Board approve any part of a subdivision located on filled tidal land.

1020-Lots

1021 - Lots to be Buildable - The lot arrangement shall be such that in constructing a building in compliance with the laws and ordinances of the Town of Stockton Springs and the State of Maine there will be no foreseeable difficulties for reasons of topography or other conditions. Lots should not be of such dimensions as to later encourage the creation of a second building lot out of the first, nor shall more than one residential structure (dwelling unit) to be constructed or placed upon any subdivision lot.

1022 - Side Lines - All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

1023 - Comer Lots - In general, comer lots should be larger than interior lots to provide for adequate building setback from each street and to provide a desirable building site.

1024 - Access from Private Streets - Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

1030-Drainage Improvements

1031 - Removal of Spring and Surface Water - The subdivision may be required by the Planning Board to carry away, by pipe or open ditch, any spring, surface, or storm water that may exist either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

1032 - Drainage Structure to Accommodate Potential Development Upstream - A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

1033 - Responsibility for Down-Stream Drainage - If requested by the Planning Board, the subdivider's engineer shall study the effect of the proposed subdivision on the existing

downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff, related to the development of the subdivision, will overload an existing down - stream drainage facility during a storm with recurrence interval of five (5) years, the Planning Board shall notify the Selectmen of such a potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

1034 - Planning Board shall require that easements for drainage be turned over to the Town.

1040 - Street Standards

1041 - Layout of Streets - All streets in a subdivision shall be planned so as to meet the following standards:

1. The proposed streets shall conform, as practical, to the adopted Comprehensive Plan or policy statement of the Town of Stockton Springs.

2. All streets in the subdivision shall provide for the continuation of arterial, collector streets. Minor streets shall be designed so as to discourage movement of through traffic. In addition, streets shall be designed so as to provide ready access to all lots in the subdivision for emergency equipment such as fire department vehicles, and ambulance.

3. The arrangement of streets in the subdivision shall provide for the continuation of arterial and collector streets into adjoining unsubdivided land unless topographic or other factors make continuance impracticable or undesirable. Where a subdivision is served by a minor street, the Planning Board may require that a right-of-way, or the minor street, to be projected to adjacent unsubdivided land (when the Board finds that such a projected street would be in keeping with the land use goals for the area and with sound planning practice).

4. Reserve strips controlling access to streets shall be prohibited.

5. Intersections of streets shall be at angles as close to (90°) ninety degrees as possible. In no case shall two (2) streets intersect at an angle of less than (60°) sixty degrees.

6. A distance of at least two hundred (200) feet shall be maintained between centerlines of offset intersecting streets.

7. Whenever possible, subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets or streets shown on the Official Road Map, if such exists, or streets on an approved Subdivision Plan.

8. Where a subdivision borders an existing narrow road (below standards set herein), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Preliminary and the Final Plan, marked "Reserved for road realignment (or widening) purposes". Land reserved for such purposes may not be used for building purposes.

1042 - Designing and Construction Standards - All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Planning Board.

Design and Construction-Standards of Street

Item	Collector	Minor/Private Gravel Road
1. Minimum Right-of-way width	66'	66'
2. Minimum Pavement Width	24'	20'
3. Minimum Grade	0.5%	1.0%
4. Maximum Grade	8%	8%
5. Maximum Grade at Intersections	3% within 75 ft. of the intersection	3% within 50 ft. of the intersection
6. Number of Sidewalks	1/NA	1/NA
7. Minimum centerline radii on curves	200 ft.	100 ft.
8. Minimum tangent length between reverse curves	200 ft.	100 ft.
9. Depth of sub-grade grading	18"	18"
10. Gravel depth (Subgrade)	18"	18"
11. Base gravel depth	4"	4"
12. Bituminous Paving or Surface Gravel for Private Road	2"	2"
13. Minimum road crown-centerline to edge of pavement	3"	3"
14. Minimum shoulder width on each side of road	3'	3'
15. Shoulder Slope-no steeper than:	3:1	3:1
16. Sidewalks		
1. Minimum width	5'/NA	4'/NA
2. Gravel base course	6"	6"
3. Surface Bituminous	2"	2"

16. Dead End

Radii of turnaround at enclosed end

Right-of-way boundary – minimum	90 ft.
Inside pavement radius – minimum	70 ft.
Width of pavement – minimum	15 ft.

17. Minimum pavement curve radii at intersections 20 ft.

18. Grades of streets shall conform as closely as possible to the original relief of the land.

19. All changes in grade shall be connected by vertical curves of such length and radius as will provide clear visibility for a distance of 200 feet.

20. Shoulder slopes shall not be steeper than 3 to 1 ration, (3 feet horizontal and 1 foot vertical), graded, loamed (6 inches compacted) and seeded as required. Back slopes shall not be steeper than 2 to 1

ration, except in ledge cuts when the slope may not exceed 1.5 to 1 ratio. They shall meet the same standards in regards to loam and seeding.

21. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding on the pavement and erosion of adjacent surfaces.

22. In construction of roads, the paved area, sidewalks and shoulder shall be cleared of all stumps, roots, brush, perishable material, and all trees not intended for preservation. All loam, loamy material, clay, and other yielding material shall be removed from the roadway to at least sub-grade depth.

23. The roadway area shall be brought to the grade shown on the plan, profile and cross-section, by suitable gravel. The sub base gravel shall meet the specifications for Aggregate Sub-base Courses as contained in the current edition of The Standard Specifications for Highway and Bridges of the State of Maine Department of Transportation. The upper base gravel shall meet the specifications for Aggregate Base Courses in the same standards.

24. After the upper base gravel has been thoroughly rolled, if the subdivider chooses to pave the road, the pavement material and the manner of application of such shall conform to the requirements of the current edition of The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation.

25. The Planning Board may require curbing of roads.

1043 - Utilities in Streets - The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the roadway and the street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road surface is finished.

1050 - Utilities

1051 - Easements -The subdivider shall install any new public utility system at his own expense, according to the approved subdivision plan. If the utility follows a course which is not co-linear with the road network and in the road right-of-way, the Planning Board shall require that the subdivider provide the appropriate utility administrative body with a utility easement before granting final approval. Such utility easement shall be wide enough for maintenance of the utility system and shall be not less than 12 feet wide.

1052 - Water Systems

1. When adequate public water supply with adequate pressure (see definitions) is confirmed to be available by a public water provider, developers of any subdivision must use that public water service for domestic use.

2. Where public water service is provided, the system shall be designed according to the specifications of the public water provider.

3. Where the public water service is intended for fire protection, plans for such shall be reviewed and approved by the Fire Chief of the Stockton Springs Fire Department.

4. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by:

a) a hydrogeologist familiar with the area for all major subdivisions
b) a well driller familiar with the area for all minor subdivisions.

1053 - Sanitary Sewerage Systems

1. If subsurface sewage disposal is proposed, the Planning Board shall require that the subdivider provide proof that a subsurface sewage disposal system, which is in conformance with the Maine State Plumbing Code, can be installed on every lot.

2. If a sewage disposal system is proposed that will service more than one building, the system and related equipment shall be designed by a professional engineer and shall comply with all requirements of the Maine State Plumbing Code.

TOWN OF STOCKTON SPRINGS, MAINE

CLUSTER DEVELOPMENTS

A. PURPOSE. The purpose of these provisions is to allow for new concepts of housing development where variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding other provisions of this ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments located in the Town, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve undue hardship. This section is to supplement "the Subdivision Ordinance" of the Town of Stockton Springs.

B. APPLICATION PROCEDURE. The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. The developer shall submit a written application to the Board for a cluster development with two sketch plans.

C. BASIC REQUIREMENTS FOR CLUSTER DEVELOPMENTS.

1. Cluster developments are permitted in the Rural District and shall meet all requirements for a subdivision, and all other applicable Town ordinances, including the Performance Standards of Article IV of this ordinance.

2. Each single family detached dwelling shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The developer shall illustrate the placement of structures and the treatment of spaces, paths, roads, service and parking and inso doing shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.

3. No individual lot shall be smaller than 20,000 square feet, except that a sub-division plan located in the Rural District which is subject to this Section may reduce the lot size requirements. The reduction shall allow up to 25% of the lots in said sub-division to be no less than 10,000 square feet provided common ground is set aside to maintain an average of one acre per lot in the

rural Zone as provided in Section XI, H, I, of the Zoning and Mandatory Shoreland Zoning Ordinance of the Town of Stockton Springs. The Planning Board may approve these reduced sizes when, in its judgment, the reduction does not violate the intent of Town Ordinance.

4. The total area of common land within the development shall equal or exceed (20%) twenty percent of the area to be developed, and shall equal or exceed the sum of the area normally required in the District.

5. Every building lot that is reduced in area below the amount normally required, should be within 1,000 feet of the common land.

6. The distance between dwelling units shall not be less than 25 feet.

7. No individual lot or single family detached dwelling shall have direct vehicular access onto a public road existing at the time of development.

8. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

9. Single family detached dwelling shall be oriented with respect to scenic vistas, natural landscape features, topography, solar energy and natural drainage areas, in accordance with an overall plan for site development.,

10. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

11. The location of subsurface waste water disposal systems and an equivalent reserve area for replacement systems shall, be shown on the plan. The reserve areas shall be restricted by deed so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services Division of Health Engineering, shall be provided.

12. Off-street parking for two vehicles per single family detached dwelling shall be provided.

13. Structures shall be set back a minimum of 15 feet from the edge of the right-of-way.

D. DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES.

1. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for non-commercial recreation. Agriculture or conservation may be permitted.

2. The common open space(s) shall be shown on the development plan, and with appropriate notation on the face thereof, indicate that:

a. The common open space shall not be used for future building lots; and,

b. A part or all of the common open space may be dedicated for acceptance by the Town.

3. If any or all of the common open space is to be reserved for any use by the residents, the by-laws of the proposed Homeowner's Association shall specify maintenance responsibilities, and shall be submitted to the Planning Board prior to approval.

4. Covenants for mandatory membership in the association, setting forth the owner's rights, interest, and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.

5. This Homeowner's Association shall have the responsibility of maintaining the common open space(s), and other common facilities, until accepted by the Town.

6. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities, and Town Assessments.

7. The developer shall maintain control of such open space(s), and be responsible for their maintenance, until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board, upon request of the Homeowner's Association or the developer.