SUBDIVISION ORDINANCE
FOR
THE TOWN OF HUDSON, MAINE

Adopted: March 23, 1991
Amended: March 22, 1997, March 21 1998 and March 22, 2003

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I. PURPOSE:

The purpose of this ordinance are to ensure the comfort, convenience, safety, health and welfare of the people of the Town of Hudson, 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 Hudson, Maine, the planning board shall consider the following criteria and shall make findings of fact that the provisions of this ordinance have been met and that the proposed subdivisions will meet the following guidelines of Title 30 30A, M.R.S.A. 4956 4401 et seq., subsection 3:

A. Will not result in undue air or water 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 the subsoils and their ability to adequately support waste disposal, and the slope of the land and its effect on effluents; the availability of streams for the disposal of effluents; and the applicable State and local health and water resources regulations.

B. Has sufficient water available for the foreseeable needs of the subdivision.

C. Will not cause an unreasonable burden on an existing water supply, if one is to be used.

D. 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.

E. 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.

F. Will provide for adequate solid and sewage waste disposal.

G. Will not cause an unreasonable burden on the ability of the town to dispose of solid waste and sewage if town services are to be utilized.

H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

I. Is in conformance with this ordinance and any comprehensive plan that may be adopted by the Town.

J. The subdivider has adequate financial and technical capacity to meet the above stated standards.

K. Whenever situated in whole or in part within 250 feet of any pond or stream will not adversely affect the quality of the body of water or reasonably affect the shoreline of that body of water.

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

M. If in the flood plain, all principal structures within the subdivision shall be constructed with the lowest floor, including basement, at least one foot above the 100-year flood elevation.

N. 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. [see Chap. 310 Nat Res Protection Act effective 30 June 1990]

O. 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.

P. The proposed subdivision will provide for adequate storm water management.

Q. No person may perform, or cause to be performed, an activity without a permit if: (a) the activity is in, on, or over any protected natural resource; or (b) the activity is on land adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them. (See chapter 305 Nat. Resource Protection Act, permit to rule dated March 23, 1991.)

R. Activities requiring a permit:

1. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
2. Draining or otherwise dewatering;
3. Filling, including adding sand or other material in a shoreland area; or
4. Any construction, repair or alteration of any permanent structure.

S. The Town's goal is to protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers and wetlands, and other natural resources.

T. The reasons for subdivision review serves two general purposes. The first is the immediate protection of the homeowner and of the municipality. When subdivisions are reviewed, the municipality is assured that the proposed development will be built according to accepted standards and that the public health and safety will be protected. The homeowner is assured that the home he or she buys in a development will be properly provided with municipal services; that he or she will not be confronted with additional assessments or unexpected costs; and that his or her individual sewage disposal facilities, which may be underground by the time he/she sees the house, are adequate and meets the requirements of all existing codes and requirements. The second purpose of

subdivision review is to guide a municipality's development; to further the efficient and economical operation of important public services and to provide for controlled and orderly growth of the community.

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II. AUTHORITY AND ADMINISTRATION:

A. Authority.

These standards have been prepared in accordance with the provisions of Title 30 30A M.R.S.A., 4956, Subsection 2 4401 et seq. and shall be known and may be cited as "Subdivision Ordinance of the Town of Hudson, Maine".

B. Administration.

The Planning Board of the Town of Hudson, Maine, hereinafter called the Board, shall administer these standards, which shall pertain to all land proposed for subdivision, as defined in Title 30 30A M.R.S.A., 4956, Subsection 1 4401 et seq., within the boundaries of the Town of Hudson.

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III. 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:

100-YEAR FLOOD.

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

COMPLETE APPLICATION.

An application for approval of a subdivision plan shall be considered complete upon submission of the required fee and all the information required by this ordinance in Section VI. A. 1 and Section VII. B. as appropriate or by a vote of the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete

COMPREHENSIVE PLAN.

Any part or element of the overall plan for development of the municipality as defined in Title 30 M.R.S.A., Section 4960-C.

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.

DRIVEWAY.

A vehicular accessway serving two dwelling units or less.

DWELLING UNIT.

A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities, including single family houses and units in a duplex, apartment house, multifamily dwellings and condominiums.

EFFLUENTS.

Outflow of undesirable waste (human, animal, chemical, etc.).

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.

NORMAL HIGH WATER MARK.

That line on the shore or banks of waters which is apparent because of the different character of the contiguous soil or vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the

vegetation changes from predominately aquatic to predominately 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. Terrestrial vegetation includes but is not limited to the following plants or plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, alders, ashes, elms and maples.) In places where the shore or bank is such that the high water mark cannot be easily determined, such as rock slides, ledges, eroding or sloping banks, the normal high water mark shall be estimated from places where it can be determined by the above method.

OFFICIAL SUBMITTAL DATE.

The date upon which the Board issues a receipt indicating that a complete application has been submitted.

PERSON.

An individual, firm, association, organization, partnership, trust, company, or corporation.

PRELIMINARY SUBDIVISION PLAN.

Preliminary drawings indicating the proposed layout of the subdivision to be submitted to the board.

PRIVATE WAY.

Any street or road that is not a public way.

PUBLIC WAY.

Any street or road that has been, or is proposed to be accepted by the town or other governmental unit.

RESUBDIVISION.

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

STREET.

Public and private ways such as alleys, avenues, boulevards, highways, roads, and other right-of-ways, as well as areas on subdivision plans designated as right-of-ways.

SUBDIVISION.

The division of a tract or parcel of land into three or more lots within any five year period whether accomplished by sale, lease, development, building, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to a municipality, unless the intent of such gift is to avoid the objectives of this ordinance, or by transfer of any

interest in land to the owner of the land abutting thereon, shall not be considered to create a lot or lots for the purposes of this ordinance.

The term "subdivision" shall also include the division of a new structure or structures on a tract or parcel of land into three or more dwelling units within a five year period and the division of an existing structure or structures previously used for commercial or industrial use into three or more dwelling units within a five year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purpose of this paragraph.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a third lot, unless both such dividings are accomplished by a subdivider, who shall have retained one of such lots for his own use as a single family residence for a period of at least five years prior to such second dividing. Tracts of forty or more acres shall not be counted as lots. (Amend. 1, 3-22-97)(Amend. 1, 3-22-03)

TRACT OR PARCEL OF LAND.

A tract or parcel of land is all contiguous land in the same ownership, provided that the lands located on opposite sides of a public or private way shall be considered each a separate tract or parcel of land unless the public or private way was established by the owner of the land on both sides thereof.

TRAVELED SURFACE.

That portion of the road which bears vehicular traffic, but not including the shoulders. (Amend 3, 3-22-97)

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IV. ADMINISTRATIVE PURPOSE:

A. Purpose.

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

B. Meetings.

The Board shall meet on the second Tuesday of each month and at such times as the Board may determine. A quorum shall be four regular or alternate members of the Board.

C. Notice of application.

Applicants shall notify the Board through the Town Office prior to a meeting of their intent to submit an application. Applicants who attend a meeting without having given such prior notice will be heard only if a majority of the Board so votes.

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V. PRE-APPLICATION:

A. Procedure.

1. The applicant will submit sketch plans and a preliminary draft of the information required on an application form.
2. The proposed subdivision will be described by the subdivider and discussed during a question and answer period with the Board.
3. An on site inspection will be scheduled unless the Board votes that such an inspection is not necessary.
4. Upon receipt of sketch plans and preliminary application information, the Board shall cause all owners of abutting property to be notified in writing that an application for subdivision has been received.

B. Simple Sketch Plan.

The preapplication shall show, in simple plan form, the proposed layout of the streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which may be a free-hand pencil sketch, should be supplemented by general information to describe the existing conditions of the site and the proposed development.

C. On site Inspection & Contour Intervals.

On site inspections shall be held within thirty days from the receipt of the preapplication. The applicant shall place "flagging" at the lot corners and the center lines of the proposed streets prior to the on-site inspection. If

the Board desires contour intervals different from those on published U.S.G.S. maps to be included on subsequent plans, the applicant shall be so advised at the time of the on-site inspection.

D. Rights Not Vested.

The submittal or review of the preapplication sketch plan shall not be considered the initiation of the review process for the purpose of bringing the plan under the protection of Title 1 M.R.S.A. 302.

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VI. PRELIMINARY PLAN:

A. Procedure.

1. Within six months after the on-site inspection, the subdivider shall submit a Preliminary Plan of the subdivision. The preliminary plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board.
2. All applications for Preliminary Plan approval shall be accompanied by a non refundable application fee of $100.00 for the first three proposed lots plus $20.00 for each additional lot.
3. The subdivider or his authorized representative shall attend the meeting of the Board to discuss the Preliminary Plan.
4. Within thirty days of the receipt of a Preliminary Plan application and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
5. Upon determination that a complete application has been submitted, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall 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 town at least two times. The date of the first publication shall be at least seven days prior to the hearing.
6. If the subdivision is located in more than one municipality, the Board shall invite the Planning Board of the other municipality to join meeting to discuss the proposed subdivision.

7. The Board shall, within thirty days of a public hearing, or within sixty days of the receipt of a complete application if no hearing is held, or within such other time limit as may be otherwise mutually agreed to by the Board and the subdivider, make the findings of fact on the application and approve, with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of fact and the reasons for any conditions or denial.
8. When granting approval to the Preliminary Plan, the Board shall state the specific changes it will require in the Final Plan.
9. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings. The plan or the accompanying material shall contain the following information:
    a. Proposed name of the subdivision.
    b. The date the plan was prepared, names and addresses of the owner of record, the subdivider and the prepared of the plan. If the subdivider is not the owner of the property, evidence of the subdivider's right to or interest in the property.
    c. Number of acres in the proposed subdivision, location of property lines. existing buildings and water courses, magnetic north point and graphic map scale.
    d. Indication of the water supply and sewerage to be used. When subsurface sewage disposal is to be used, test pit analyses prepared by a licensed site evaluator shall be provided and a map showing the location of all test pits dug on the site shall be submitted.
    e. The names and addresses of owners of record of all adjacent property, including any property directly across a street or road from the subdivision.
    f. The location of any zoning boundaries that effect the subdivision.
    g. The location and size of any existing or proposed sewers, water mains, culverts and drainage ways on or adjacent to the property to be subdivided.
    h. The location, names, and present widths of existing and proposed streets, easements, building lines, and open spaces on or adjacent to the subdivision.
    i. The proposed lot lines with approximate dimensions and areas.
    j. Any parcels of land proposed to be dedicated to public use and the conditions of such dedication.
    k. The location of any open space that is to be preserved and a description of any improvements and its management.

l. If any portion of the subdivision is in the flood plain, the boundaries of the 100 year flood elevation should be shown.

m. If the proposed density of use or the geology of the area poses a threat of contamination of ground water, a hydrogeologic assessment by a certified geologist or registered professional engineer, experienced in hydrogeology, shall be provided.

n. If the proposed subdivision is a multi unit structure, floor plans.

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VII. FINAL PLAN:

A. Procedure.

1. The subdivider shall, within six months after the approval of the Preliminary Plan, submit to the Board an application for approval of the Final Plan. If the application for approval of the final plan is not submitted within six months, the Board may refuse, without prejudice, to act on the final plan and require resubmission of a final Preliminary Plan. The Final Plan shall approximate the Preliminary Plan plus any recommendations made by the Board.
2. Prior to submittal of the Final Plan, the following approvals shall be obtained in writing by the subdivider, when appropriate:
   a. Maine Department of Environmental Protection under the Site Location of Development Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a waste water discharge license is needed.
   b. Maine Department of Human Services if a central water supply is proposed or if a centralized or shared subsurface sewage system is used.

   Provided, however, that the subdivider has the option of notifying the Board, in writing, of his intent to seek approval of the proposed subdivision by the Board before submitting it to the appropriate State Agencies
3. The subdivider or his duly authorized representative shall attend the meeting of the Board to discuss the Final Plan.

4. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider.
5. Before the Board grants approval of the Final Plan the subdivider shall meet the performance guarantee requirements of this ordinance.
6. Within sixty days of receiving a completed application the Board shall make written findings of fact and conclusions relative to the standards contained in Title 30 30A, M.R.S.A. 4956, subsection 3 4401 et seq., and this ordinance. If the Board finds that all standards of the Statute and this ordinance have been met, the Board shall either deny the application or approve the application with conditions to ensure that all of the standards will be met by the subdivision. The reason for any conditions shall be stated in the records of the Board.(Amend 1, 3-22-03)

B. Submissions.

The Final Plan shall consist of one or more maps or drawings drawn to scale. Space shall be reserved on the plan for endorsement by the Board. One reproducible, stable based, transparent original to be recorded at the Registry of Deeds and three copies of the plan shall be submitted.

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

1. The proposed name of the subdivision and the name of the Town and the Assessors' map and lot numbers.
2. An actual field survey of the boundary lines of the tract, with 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. The number of acres within the proposed subdivision, location of property lines, existing buildings and watercourses.
4. The date the plan was prepared, magnetic and true north points, graphic map scale, names and addresses of the owner of record, subdivider, and the preparer of the plan.
5. The location of any zoning boundaries that effect the plan.
6. The location and size of existing or proposed sewers, water mains, culverts and drainage ways on or adjacent to the property to be subdivided.
7. The location, names, and present widths of existing and proposed streets, easements, building lines, and 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 located upon the ground. These lines shall be tied to reference points previously established.

8. Any parcels of land proposed to be dedicated to public use and the conditions of such dedication.
9. A list of construction items that will be completed by the developer prior to the sale of lots, with cost estimates.
10. If any portion of the subdivision is in the flood plain, the boundaries of the 100 year flood elevation shall be delineated on the plan. If this plan shows the subdivision or any portion of it to be within a flood hazard area, all principal structures hereafter constructed or placed therein shall be located that their lowest floor, including basement, is at least one foot above the 100-year flood elevation. This language should appear on the face of the plan to be recorded, preferably near the signature blank. (Amend. 1, 3-21-98)
11. If the subdivision is a multi-unit structure, floor plans.
12. G.P.S. annotations must be indicated on the subdivision plans. (Amend. 2, 3-21-98)
13. Section 4406(1)(B-1) M.R.S.A. provides that if a subdivision is exempt from Site Location Review by the D.E.P. because it qualifies for one of the exemptions in 38 M.R.S.A. 488(5), the faact that it is exempt must be noted on the plan approved by the planning board under the Municipal Subdivision Law before it is recorded. "Developable land" as defined in 38 M.R.S.A. 488(5) must be indicated on the plan also. (The person recording the plan must prepare a sworn certificate in recordable form and record it with the plan in the Registry.) (Amend. 3, 3-21-98)

D. Final Approval and Filing

1. No plan shall be approved by the Board for as long as the subdivider is in violation of the provisions of any previously approved subdivision plan.
2. Upon findings of fact and determination that all standards in Title 30, M.R.S.A. 4956, subsection 3 and this ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. Any subdivision not recorded in the registry of deeds within 90 days of the date on which the plan is approved and signed by the board shall be null and void.
3. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval hass been given by the Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the Board approves such modifications in accordance with the provisions of 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 sshall institute proceedings to have tha plan stricken from the records of the Registry of Deeds.

4. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or open space shown on such plan.

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VIII. REVISIONS TO APPROVED PLANS:

A. Procedure

If the revision involves the creation of additional lots or dwelling units, the procedures for Preliminary Plan approval shall be followed. If the revision involves only other modifications of the approved plan, the procedures for Final Plan approval shall be followed.

B. Submissions

The applicant shall submit a copy of the approved plan and three copies of the proposed revisions. The applicant shall include enough information to allow the Board to determine that the proposed revisions meet the standards of this ordinance. The revised plan shall show the name of the original plan, the date of its approval, and the book and page where it is recorded in the Registry of Deeds.

C. Scope of Review

The scope of the review by the Board shall be limited to those portions of the plan that are proposed to be changed.

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IX. ENFORCEMENT:

Violations and Enforcement

A. No plan of a subdivision of land within the Town shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with this ordinance.

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

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

D. Any person, firm, corporation or other legal entity who conveys, offers, or agrees to convey any land or dwelling unit in a subdivision that has not been approved as required by this ordinance shall be punished by a fine of not less than $100.00, and not more than $2500.00 for each such conveyance, offering or agreement. The Town may initiate proceedings to enjoin the violation of this section, and may collect attorneys fees and court costs if it is the prevailing party.

E. No public utility or utility company of any kind shall serve any lot in a subdivision that has not been approved as required by this ordinance.

F. No lot on a proposed street in a subdivision may be sold, leased, or otherwise conveyed before the proposed street upon which the lot fronts is completed in accordance with this ordinance up to and including the entire frontage of the lot.

G. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and instructing the violator to come before the Planning Board for corrective action. (Amend. 4, 3-21-98)

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X. GENERAL STANDARDS:

A. Conformance

All proposed subdivisions shall be in conformance with the Comprehensive Plan when adopted, the Minimum Lot Size Ordinance of the Town of Hudson, and with the pertinent provisions of State laws and other codes and ordinances of the Town.

B. Lots

1. Lots shall meet the minimum requirements of the lot size ordinance of the Town.
2. Lot configuration and area shall be designed to provide for adequate off street parking and service facilities based upon the type of development contemplated.
3. If a lot on one side of a stream, road or similar barrier fails to meet the minimum lot size requirements, it may not be combined with a lot on the other side of the barrier in order to meet the minimum lot size.

C. Water, Sewerage, Drainage

1. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan. Dug wells shall be permitted only if it is demonstrated to be not feasible to develop other ground water sources and such wells must be constructed so as to prevent infiltration of surface water.
2. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in compliance with the requirements of Maine laws and regulations.
3. If the subdivision includes any new streets, or if the subdivision will alter the existing drainage, a storm water drainage plan shall be submitted.

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XI. STREET STANDARDS:

A. Street Construction

1. No subdivision plan will be approved by the Board unless all lots on the proposed subdivision
   a. have frontage on a maintained Town Way or
   b. have frontage on a public or private way that has been constructed, or is to be improved or constructed in accordance with the standards described in this ordinance and is continuously accessible from a maintained Town Way by public or private ways constructed, or to be improved or constructed in accordance with the standards described in this ordinance.

   Construction or improvement of any streets to meet these standards within the subdivision or to provide access to the subdivision shall be the responsibility of the subdivider.

2. The street design and construction standards shall be as follows:

   a. Minimum Right of Way Width.....66'
   b. Minimum Traveled Surface Width.....20' (Amend 3, 3-22-97)
   c. Minimum Grade.....1%
   d. Maximum Grade.....8%
   e. Maximum Grade Within 50' of Intersections.....3%
   f. Minimum Centerline Radii on Curves.....100'
   g. Depth of Subgrade grading.....22"
   h. Sub-base Gravel Depth.....18"
   i. Upper Base Gravel.....4"
   j. Pavement (see note below).....2"
   k. Minimum Road Crown.....3"
   l. Minimum Shoulder Width.....3'

   Note:

   Pavement is not required if the connecting Town Way is not paved or if the way is to remain a Private Way. (Amend 3, 3-22-97)

3. Grades of streets shall conform as closely as possible to the original relief of the land. Changes of grades shall provide clear visibility of 200'.

4. Side slopes shall not be steeper than 33%, and shall be graded, loamed and seeded.

5. All streets shall be provided with adequate drainage facilities to provide for the removal of stormwater. Driveway culverts shall be adequate to pass the design flow of the contiguous ditches.
6. In construction of streets, the traveled way and shoulder shall be cleared of all stumps, roots, brush and perishable material. All loam, loamy material, clay and other yielding material shall be removed from the roadway to at least subgrade depth.
7. All subdivision roads which dead end shall be provided with a turn-around area at the end of the road. If said road is over 4,000 feet long, turn-arounds will be constructed at intervals of about 2,600 feet, depending on the terrain. Loops, T's or squares are all acceptable. If the loop form is used, the turn-around shall have a minimum right of way boundary radius of 90 feet, a minimum inside traveled surface radius of 61 feet, and a minimum traveled surface width of 15 feet. Other turn-around forms must be coordinated with the Chief of the Hudson Volunteer Fire Department to insure that they will meet the needs of the Fire Department. Turn-arounds will conform to all street design and construction standards as listed in Subparagraph B above. (Amend 2, 3-22-97)

B. Approval of Streets

1. Upon receipt of the plans for a proposed street, the Board shall forward one copy to the Municipal Officers and one to the Road Commissioner for review and comment.
2. When the subdivision plan includes a street which is to remain a private way, or the subdivision is accessible to vehicles only by means of travel over a private way, the following words shall appear in the Final Plan:

   "All streets proposed for the construction or improvement in this plan are intended to remain private ways to be maintained by the developer or the lot owners. Unless and until the said streets are accepted by the Town, the Town shall have no responsibility or obligation to provide or maintain access to the subdivision or lots within it. In the event that the developer or the lot owners do not maintain such private ways to Town standards, the Town shall have no responsibility to provide fire protection, school bus transportation, trash disposal, or any other municipal services that require access to the subdivision or the lots therein."
3. When a proposed street is intended for acceptance by the Town, upon completion of street construction and prior to a vote by the Town, 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.

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XII. GUARANTEES:

When a Final Plan includes one or more proposed new streets, a central water supply system, a central sub-surface sewage disposal system, or any other construction or facilities by the developer, the subdivider, with the submittal of application for approval of the Final Plan, shall provide a performance guarantee adequate to cover the total construction costs of such improvements. The performance guarantee may be a certified check payable to the Town, an irrevocable letter of credit, or such other guarantee as may be approved by the Board and by the Municipal Officers. The amount of the guarantee shall be subject to the approval of the Municipal Officers.

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XIII. WAIVERS:

A. If the Board finds that extraordinary and unnecessary hardship may result from strict compliance with this ordinance, or that there are special circumstances in a particular subdivision plan, it may waive portions of the submission requirements of the standards, provided the public health safety and welfare are protected and provided the waiver does not have the effect of nullifying the intent and purpose of this ordinance, the Comprehensive Plan, when adopted, any other ordinance or code of the Town, or any applicable State Law or regulation.

B. In granting the waiver, the Board shall impose such conditions as will assure that the objectives of this ordinance are met.

C. When the Board grants a waiver, the date and nature of the waiver shall be recorded on the Final Plan.

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XIV. EFFECTIVE DATE AND VALIDITY:

A. This ordinance became effective on March 23, 1991 when adopted by a vote of the Town of Hudson.

B. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the protection and promotion of public health, safety and welfare, the provisions of this ordinance shall prevail.

C. Should any section or provision of this ordinance be declared by the courts to be invalid, such action shall not invalidate any other section or provision of this ordinance and to this end the provisions of this ordinance are declared to be severable.

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XV. APPEALS:

An aggrieved party may appeal any decision of the Board under the provisions of this ordinance to the Penobscot County Superior Court within thirty days of the rendering of the decision, provided however that if the Town of Hudson adopts an ordinance providing for appeal to the Board of Appeals, then the aggrieved party must appeal to the Board of Appeals within thirty days of the rendering of the decision.

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