SUBDIVISION ORDINANCE

Town of Mariaville

Adopted June 26, 1996
Amended March 29, 1999
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SECTION I: GENERAL PROVISIONS

A. TITLE

This Ordinance shall be known and be cited as the "Subdivision Ordinance of the Town of Mariaville, Maine."

B. AUTHORITY

This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine and in accordance with the provisions of Title 30A, MRSA, Section 4403.

C. APPLICABILITY

The provisions of this Ordinance shall apply to subdivisions as defined by this Ordinance and by Title 30A, MRSA, Section 4401, within the boundaries of the Town of Mariaville.

D. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the more restrictive requirements shall govern.

E. SUPERSEDURE

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict. The Subdivision Ordinance in effect at the time that this Subdivision Ordinance is enacted is hereby repealed. Provided, however, that all lawfully adopted Ordinances or parts thereof shall remain in full force and effect with respect to any violation thereof in existence at the time of adoption of this Ordinance, and provided further that any such violation shall be deemed a violation of this Ordinance and subject to its terms and provisions.

F. SEPARABILITY

In the event that any section, subsection or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

1. INITIATION

   A proposal to amend this Ordinance may be initiated by:

   a. The Planning Board, by majority vote:

   b. The Board of Selectmen, through a request to the Planning Board; or

   c. The Public, through a written petition signed by at least twenty five (25) residents registered to vote in the Town of Mariaville.

   d. When an amendment is proposed by other than the municipal officers or Planning Board, a fee of one hundred dollars ($100) shall accompany the proposal to cover the cost of review, hearings, and advertisements.
   This fee is non-refundable.

2. PROCESS OF ADOPTION
   The process to be followed in adopting an amendment to this Ordinance is as follows:

   a. Proposed amendments must first be submitted to the Planning Board for their review.

   b. The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment.

   c. Notice of the public hearing shall be given pursuant to the provisions of Section III.H of this Ordinance.

   d. The Planning Board shall make its official report at the next Town Meeting following the public hearing.

   e. Approval of a proposed amendment shall be by a two thirds majority, of residents registered to vote in the Town of Mariaville, in attendance at the meeting.

H. EFFECTIVE DATE

The provisions of this Ordinance shall become effective thirty days after their enactment.

SECTION II: PURPOSES

The purposes of this Ordinance are as follows:

A. PROTECT GENERAL WELFARE

To assure the comfort, convenience, safety, health and welfare of the citizens of Mariaville. This Ordinance has been amended to conform to the Town of Mariaville “Enhanced 9-1-1 Addressing Ordinance", adopted on March 30, 1996;

B. PROTECT ENVIRONMENT

To protect the natural resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

C. PROMOTE COMMUNITY DEVELOPMENT

To promote the development of an economically sound and stable community;

D. BALANCE PROPERTY RIGHTS

To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance;.

E. REDUCE FISCAL IMPACT

To provide the means for evaluating subdivision proposals for their fiscal impact on the municipality's ability to provide and improve necessary public facilities and services;

F. ESTABLISH PROCEDURES AND STANDARDS

To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; and to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments might affect them.

SECTION III: ADMINISTRATION

A. ADMINISTERING BODY

The Planning Board of the Town of Mariaville, hereinafter called the Board, shall administer this Ordinance.

B. APPROVAL REQUIRED

After the effective date of this ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

C. APPLICATION REQUIRED

Applications for approval shall be submitted in writing to the Board, on forms provided by it. The Board may require the submission of whatever additional information is necessary to determine compliance with the provisions of this Ordinance. An applicant may also request in writing that the Board waive a specific submission requirement. The Board may decide to waive the requirement only if deemed appropriate, without compromising the purposes and provisions of this ordinance.

D. PERMITS TO BE APPLIED FOR BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until evidence that all other required local, state, and federal permits have been acquired, has been provided to the Board.

E. COMMENCEMENT AND COMPLETION OF WORK

Construction activities on subdivisions for which approval has been granted under this Ordinance shall commence within six (6) months of the date of approval and shall be completed within five years.

Construction activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the prior approval issued under this Ordinance shall be considered void, unless an extension has been granted by the Board.

Construction activities may be extended for up to twelve (12) months at a time by the Planning Board upon a showing of good cause where a written request setting forth the reasons for the extension is submitted not later 'than thirty (30) days prior to the pending commencement or completion date.

F. CERTIFICATE OF CONSTRUCTION REQUIRED

No land in a subdivision requiring approval under this Ordinance shall be conveyed, rented, leased, or occupied without a certificate of construction issued by the Code Enforcement Officer indicating that all of the required public improvements have been constructed as required.

G. CONDITIONS OF APPROVAL

The Board may, in approving applications, attach such reasonable and appropriate terms and conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Such terms and conditions may include, but are not limited to, specifications for:

1. Specific sewage or other waste disposal facilities;

2. Specific water supply facilities;

3. Landscaping and planting screens;

4. Sureties and bonds;

5. Restrictive covenants;

6. Location of piers, docks, parking areas and signs; and

7. Any other term or condition of approval necessary to fulfill the purposes of this Ordinance.

Violation of any of these terms or conditions shall be considered a violation of this Ordinance.

H. PUBLIC HEARINGS

In scheduling public hearings under this Ordinance, the Board shall notify the Applicant at least twenty (20) days in advance of the date, time and place of the hearing. The Board shall publish notice of the hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places. The first notice shall appear at least seven (7) days in advance of the hearing.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant's case shall be presented first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman of the Board.

Whenever a public hearing is held pursuant to this Ordinance, the matters in that hearing may be carried over until the next regularly or specially scheduled meeting of the Planning Board for further public hearing without affecting any decisional deadline applicable to the Planning Board.

Ten (10) days after the public hearing, the administrative record shall close. Within thirty (30) days of the public hearing, the Board shall reach a decision on the proposed subdivision plan and shall inform the applicant and the Selectmen in writing within ten (10) days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon all reasonable and admissible evidence that is submitted prior to the closing of the record.

SECTION IV: CRITERIA OF APPROVAL

In approving applications submitted pursuant to this Ordinance, the Board shall find that:

A. POLLUTION

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

1. The elevation of the land above sea level and its relation to the flood plains;

2. The nature of soils and sub-soils and their ability to adequately support waste disposal;

3. The slope of the land and its effect on effluents;

4. The availability of streams for disposal of effluents; and

5. The applicable state and local health and water resource rules and regulations.

B. SUFFICIENT WATER SUPPLY

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

C. MUNICIPAL WATER SUPPLY

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

D. EROSION

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

E. TRAFFIC

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

F. SEWAGE DISPOSAL

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

G. MUNICIPAL SOLID WASTE DISPOSAL

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

H. CONFORMITY WITH LOCAL ORDINANCES AND PLANS

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

I. SURFACE WATER:

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 2-8, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;

J. GROUND WATER

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

K. 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 1 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;

L. 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.

M. 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 480-8, Subsection 9.

N. STORM WATER

The proposed subdivision will provide for adequate storm water management.

O. STATE SUBDIVISION LAW CRITERIA

In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to Title 30-A, MRSA, Section 4404, from time to time.

P. WRITTEN FINDINGS OF FACT REQUIRED

In approving subdivisions under this Ordinance, the Board shall consider the criteria above; and before granting approval, shall make written findings of fact that the provisions of this Ordinance have been met.

Q. BURDEN OF PROOF

In all instances the burden of proof of compliance with the above criteria shall be upon the person proposing the subdivision.

SECTION V: ADMINISTRATIVE PROCEDURES

A. AGENDA REQUIRED

In order to provide an orderly process for reviewing applications, an agenda shall be prepared in advance of each regularly scheduled Planning Board meeting.

B. AGENDA MAY BE LIMITED

The Planning Board, in order to conduct a thorough review of applications submitted to it, may limit such reviews to one subdivision application per regularly scheduled meeting.

SECTION VI: PREAPPLICATION CONFERENCE/SKETCH PLAN REVIEW

A. GENERAL

All applicants shall meet with the Planning Board prior to the formal submission of a subdivision plan to generally discuss their proposed subdivision and to obtain guidance from the Planning Board in the development of the plan.

B. PROCEDURE

The procedure for Sketch Plan Review is as follows:

STEP 1: PLANNING BOARD REVIEWS SKETCH PLAN AND EXHIBITS

At the pre-application meeting the Planning Board shall review the Sketch Plan and accompanying exhibits with the applicant, answer the applicant's questions, and make specific suggestions to be incorporated by the applicant in subsequent submissions.

STEP 2: ON-SITE INSPECTION DATE SET

At the pre-application meeting, the Planning Board shall schedule an on-site inspection of the tract or parcel to be subdivided and shall notify the applicant of the time and date in writing.

The on-site inspection shall be jointly attended by the applicant or his/her duly authorized agent and by at least one member of the Planning Board or an individual appointed by the Planning Board to act as the Board's authorized representative for such inspection.

C. SUBMISSION PACKET

The submission packet required for Sketch Plan Review shall include the following:

1. SKETCH PLAN

A Sketch Plan, showing the information specified in subsection C.1.d. below, shall be submitted to the Planning Board.

a. NUMBER OF COPIES:

Eight (8) paper copies of the sketch Plan shall be submitted.

b. SHEET SIZE:

The Sketch Plan shall be at least 11 x 17 inches, but no larger than 24 x 36 inches in size.

c. PLAN SCALE:

The Sketch Plan shall be drawn to scale.

d. INFORMATION TO BE SHOWN ON THE PLAN:

The following information shall be shown on all Sketch Plans:

1. The outline of the tract or parcel to be subdivided, with known or, if not known, estimated perimeter dimensions and area;

2. True North arrow;

3. The scale to which the plan is drawn;

4. The proposed layout of lots, roads, and locations;

5. Identification of general areas of slopes fifteen percent (15%) or greater, areas of exposed ledge, wetlands, streams and floodplains;

6. Location of public utilities proposed to be utilized;

7. Location, dimensions, and terms of any existing easements, rights-of-way, and/or deed restrictions encumbering the property;

8. The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided; and

2. EXHIBITS TO ACCOMPANY SKETCH PLAN

Exhibits 1, 2, 3, and 4 o f the Planning Board's application guidelines shall accompany the Sketch Plan and Topographical Map and be submitted with the Sketch Plan to the Planning Board.

D. RIGHTS NOT VESTED

The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, MRSA, Section 302.

SECTION VII: SUBDIVISION REVIEW PROCESS: SUBDIVISIONS

A. SUBMISSION PACKET

The submission packet required for Subdivisions shall include the following:

1. APPLICATION AND ATTACHMENTS

An application and attachments for Planning Board review of Subdivisions shall be submitted as specified in Section X of this Ordinance.

2. FINAL SUBDIVISION PLAN

A Final Subdivision Plan for a Planning Board review of Subdivisions shall be submitted as specified in Section XII of this Ordinance.

3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT

An administrative fee and escrow account for Planning Board review of Subdivisions shall be submitted as specified in Section XIII of this Ordinance.

B. PROCEDURE

The procedure for reviewing Subdivision Plans is as follows:

STEP I: NOTICE TO CEO, ABUTTERS AND ADJACENT MUNICIPALITY

Upon the issuance of a **Dated Receipt Of Application,** the Secretary of the Planning Board shall notify by mail the CEO, all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Preliminary Plan and application for a proposed Major Subdivision has been received, the location of the proposed Subdivision, and give a general description of the proposal.

STEP 2: PLANNING BOARD REVIEWS PRELIMINARY PLAN AND APPLICATION

Within thirty (30) days from the receipt of an application, the Planning Board shall review the preliminary plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a **Notice of Incomplete Application** specifying the additional information expected prior to further action on the application.

If the Planning Board determines that the application is complete, it shall issue the applicant a **Notice of Complete Application.**

A **Notice of Complete Application** does not constitute the Planning Board's approval of the information submitted.

Full evaluation of the preliminary plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

STEP 3: PRELIMINARY PLAN PUBLIC HEARING

Within thirty days (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board shall hold a public hearing on the preliminary plan of the proposed Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section Ill.H. of this Ordinance.

STEP 4: PLANNING BOARD DECISION ON PRELIMINARY PLAN

Within thirty (30) days of the public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the preliminary plan of the proposed Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact that the proposed preliminary plan does or does not meet the criteria in Section II of this Ordinance. The Planning Board is not required to sign a preliminary plan.

STEP 5: REQUEST FOR REVIEW OF FINAL PLAN

Within six (6) months following approval of a preliminary plan for a Subdivision, the applicant shall request to be placed on the Planning Board's agenda for final plan review.

Such a request shall be made at least thirty (30) days prior to the next regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within the six (6) months of preliminary plan approval shall require that the preliminary plan be re-reviewed as provided in Steps 1 through 6, above.

If the Planning Board Chairman or designee determines that the submission packet is not complete, the submissions shall be returned to the applicant with a **Notice of Incomplete Submission**, specifying the required information found to be missing.

If the Planning Board Chairman or designee determines that the submission packet is complete, he/she shall issue the applicant a **Dated Receipt of Application** and place the application on the agenda of the next regularly scheduled Planning Board meeting.

STEP 6: NOTICE TO CEO, ABUTTERS AND ADJACENT MUNICIPALITY OF FINAL PLAN

Upon the issuance of a **Dated Receipt of Application**, the Secretary of the Planning Board shall notify by mail all abutting property owners of the proposed subdivision, and the Planning Boards of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a final plan and application for a proposed Subdivision has been received, the location of the proposed Subdivision, and give a general description of the proposal.

STEP 7: PLANNING BOARD REVIEWS FINAL PLAN

Within thirty (30) days from the receipt of the final plan, the Planning Board shall notify the applicant in writing either that the final plan is complete or, if the final plan is incomplete, the specific additional action needed to make a complete final plan.

STEP 8: FINAL PLAN PUBLIC HEARING

Within thirty (30) days of the planning Board's determination that a complete application has' been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board may decide to hold a public hearing on the final plan of the proposed Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.H of this Ordinance.

STEP 9: PLANNING BOARD DECISION ON FINAL PLAN

Within sixty (60) days of the planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing, in the event the Planning Board decides to hold a public hearing, or, within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the final plan of the proposed Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed final plan does or does not meet the criteria in Section IV of this Ordinance.

STEP 10: SIGNATURES

Upon approving the final plan, those members of the Planning Board voting for approval shall sign two (2) reproducible copies and two (2) paper copies of the approved Subdivision Plan.

STEP 11: FILING OF APPROVED FINAL PLAN

Planning Board Orders and approved final plans for Subdivisions shall be filed in the Hancock County Registry of Deeds as specified in Section IX of this Ordinance.

SECTION VIII: FILING PROCEDURES FOR APPROVED SUBDIVISIONS

A. FILING OF PLANNING BOARD ORDERS REQUIRED PRIOR TO SIGNING OF AND FILING OF APPROVED FINAL SUBDIVISION PLANS

A copy of the Planning Board's Order regarding any Final Subdivision Plans, including the Board's findings of fact and conclusions and any conditions of approval shall be filed, by the applicant, in the Hancock County Registry of Deeds.

The book and page number of such recording shall appear and be referenced on the approved Final Subdivision Plan prior to the recording of such Plan, as set forth in Section C below.

B. FILING SECURITY DEPOSIT REQUIRED

Prior to the Planning Board's signing of the Final Subdivision Plan, the applicant shall provide the Planning Board with a filing securing deposit, in the form of a cashier's check in the amount of $500 made payable to the Town of Mariaville.

C. SIGNING OF APPROVED FINAL SUBDIVISION PLANS

Upon receipt of a copy of the recorded Planning Board Order, stamped by the Hancock County Registry of Deeds, and a filing security deposit, the Planning Board shall enter in ink, in the places provided in the Final Subdivision Plan Approval Block, the book and page and/or file numbers where such Planning Order is recorded in the Hancock County Registry of Deeds.

After entering the book and page numbers, a majority of the members of the Planning Board shall sign, their names in ink in the places provided, on the two (2) reproducible copies and two (2) paper copies of the approved Final Subdivision Plan.

D. FILING OF THE SIGNED SUBDIVISION PLAN

The signed original Final Subdivision Plan shall be filed, by the applicant, within thirty (30) days of the date of Planning Board signatures, in the Hancock County Registry of Deeds.

E. FAILURE TO FILE AS REQUIRED TO RESULT IN VOIDING OF APPROVAL AND FORFEITURE OF FILING SECURITY DEPOSIT

In the event that the applicant fails to file the approved Final Subdivision Plan within the thirty (30) days provided in Section D above, the Planning Board's approval shall be considered void and the filing security deposit forfeited.

SECTION VIII: FILING PROCEDURES FOR APPROVED SUBDIVISIONS
(continued)

F. RETURN OF FILING SECURITY DEPOSIT

Upon receipt from the applicant, of a copy of the approved Final Subdivision Plan, stamped and dated by the Registry of Deeds, the $500 filing security deposit shall be refunded to the applicant by the Town.

G. FORFEITED DEPOSITS ACCRUE TO THE TOWN

In the event the applicant forfeits his/her filing security deposit, such funds shall accrue to the benefit of the Town.

SECTION IX: SUBDIVISION APPLICATION AND ATTACHMENTS

A. APPLICATION FORM

The application form used in the subdivision review process described in this Ordinance shall be provided by the Town, filled out by the Applicant and shall include the information required below.

B. INFORMATION TO BE SUBMITTED

The following information shall be included in the application forms submitted to the Planning Board with the final plans for all Subdivisions and with the preliminary plans for all Subdivisions:

1. INFORMATION REGARDING THE APPLICANT

a. The name, address, and phone number of the owner of Record (Applicant).

b. lnformation regarding the applicant's right, title, or interest in the parcel proposed to be subdivided.

c. lnformation as to whether or not the applicant is a corporation and, if so, whether or not the corporation is licensed to do business in Maine.

d. The name, address, and phone number of the applicant's authorized agent (if an agent is applying on behalf of applicant).

e. The name, address, phone number, and registration number of the Land Surveyors, and/or Land Planners employed by the applicant to design the proposed subdivision.

f. The name, address, and phone number of the individual(s) to whom all communications from the Planning Board should be directed.

g. lnformation regarding the applicant's interest in any property abutting the parcel proposed to be subdivided and that the proposed subdivision plan covers his/her entire contiguous holdings.

2. INFORMATION REGARDING PARCEL PROPOSED TO BE SUBDIVIDED

a. The book and page numbers from Registry of Deeds describing the parcel proposed to be subdivided.

b. The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided.

c. The existing use of the property proposed to be subdivided.

d. The total acreage of parcel proposed to be subdivided.

e. The present zoning of parcel proposed to be subdivided.

f. Whether or not the parcel proposed to be subdivided is part of a prior approved subdivision.

g. Whether or not any part of the parcel proposed to be subdivided is within the Shoreland Zone.

h. Whether or not there are any freshwater wetlands located in whole or in part on the parcel proposed to be subdivided.

i. Whether or not there are any significant groundwater aquifers located in whole or in part on the parcel proposed to be subdivided.

j. Whether or not the parcel proposed to be subdivided is in whole or in part located within an identified special flood hazard area.

k. Whether or not the parcel proposed to be subdivided has any identified critical natural resources or wildlife habitats located in whole or in part on the parcel proposed to be subdivided.

l. Topographical Map of the property to be subdivided.

3. INFORMATION REGARDING PROPOSED SUBDIVISION

a. Name of the proposed subdivision.

b. Type of proposed subdivision. (eg: residential, commercial, mobile home, mixed, etc.)

c. Number of lots and/or units proposed.

d. lnformation regarding proposed methods of disposing of sewage wastes generated by the proposed subdivision.

e. Information regarding proposed methods of supplying water required by the proposed subdivision.

f. lnformation regarding proposed methods of disposing of solid wastes generated by the proposed subdivision.

g. Information regarding proposed methods of controlling and/or preventing soil erosion and sedimentation resulting from the proposed subdivision.

h. Information regarding proposed methods of handling changes in storm water and/or surface water drainage patterns resulting from the proposed subdivision.

i. Information regarding proposed interior subdivision roads.

j. Information regarding proposed methods of handling traffic volumes projected to be generated by the proposed subdivision.

k. The opinion of the Mariaville Volunteer Fire Department Association, Inc regarding the accessibility of the proposed subdivision and its roadways for emergency vehicles.

l. Estimated dates of starting and completing any proposed construction.. Estimated costs of required and proposed improvements.

C. EXHIBITS TO ACCOMPANY SUBDIVISION APPLICATIONS

In order for the Planning Board to make its required positive findings that the proposed subdivision in fact meets the Criteria of Approval contained in Section IV of this Ordinance, applicants are required to submit clear and sufficient evidence in support of each criteria.

The Planning Board shall from time to time adopt, and keep up-to-date, specifications of the nature and extent of the evidence it deems necessary to make positive findings with regard to the various criteria of approval.

SECTION X: SPECIFICATIONS: PRELIMINARY PLANS

A. PRELIMINARY SUBDIVISION PLANS

Preliminary subdivision plans shall be prepared and submitted to the Planning Board, as follows:

1. NUMBER OF COPIES TO BE SUBMITTED

   Preliminary subdivision plans shall be submitted in five (5) sets of one or more maps or drawings, printed or reproduced on paper. Five (5) copies of the plan(s) reduced to a size of 8 1/2 x 11 inches shall be submitted in addition, ten (10) copies of the application and required exhibits shall be submitted with the preliminary plans.

2. SHEET SIZE

   Preliminary subdivision plans shall be 24 by 36 inches in size, and shall have a margin of two (2) inches outside of the border line on the left side for binding and a one (1) inch margin outside the border along the remaining sides.

3. PLAN SCALE

   Preliminary subdivision plans shall be drawn to a scale of one hundred feet (100') to the inch.

B. INFORMATION TO BE SHOWN ON PRELIMINARY SUBDIVISION PLANS

The following information shall be shown on preliminary subdivision plans:

1. GENERAL INFORMATION

   The proposed name of the subdivision, name of the Town, the date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, applicant, and professional or professional firm who prepared the plan.

2. BOUNDARY SURVEY

   Survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor, as being a Category I, Condition II survey as defined by the Maine Board of Registration for Land Surveyors. The type of monument set or found at each parcel corner shall also be shown.

3. CONTOUR LINES

Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level (NGVD).

4. PROPOSED LOT LINES AND LOT NUMBERS

Proposed lot lines with appropriate dimensions in decimals of a foot and lot areas in square feet and proposed lot numbers.

5. EXISTING FOREIGN FEATURES

The location, names, and widths of existing roads, highways, easements, building lines, parks and other open spaces on or adjacent to the proposed subdivision and the location and size of existing sewers, utility poles, water mains, culverts, other underground utilities and drainage ways on or adjacent to the proposed subdivision.

6. EXISTING NATURAL FEATURES

The location and configuration of existing waterbodies, watercourses and wetlands on or immediately adjacent to the parcel, the cover types (open field, open shrub, wooded, etc.), and other significant physical features.

7. NAMES OF ADJACENT PROPERTY OWNERS

The names of the owners of record of all abutting properties, including those of any properties directly across and along any existing public road abutting the proposed subdivision.

8. PROPOSED IMPROVEMENTS

The location, names, and widths of any proposed roads, rights-of-way, easements, building lines, common open spaces associated with the proposed subdivision and the location and size of any proposed sewer lines, sewage disposal areas, water mains, wells, culverts and drainage ways associated with the proposed subdivision.

9. PUBLIC IMPROVEMENTS

The location and width of any existing and proposed roads or other public improvements within the proposed subdivision, shown on the Official Map and/or the Comprehensive Plan, if any.

10. COMMON AND/OR PUBLIC AREAS AND FACILITIES

Identification of all parcels and facilities proposed to be dedicated for common use and/or public ownership and/or use, and the conditions of such dedication and a description of their proposed improvement and management.

11. FLOOD HAZARD AREA BOUNDARIES

If any portion of the subdivision is in a flood-prone area, the boundaries of such areas and the 100-year flood elevation.

12. EXISTING ZONING

The names and boundaries of any existing local zoning designations applicable to the property proposed to be subdivided.

13. SURVEYOR/PLANNER'S CERTIFICATION AND SEAL

The name, signature, registration number, and seal of the land surveyor who prepared the survey and the architect, engineer, or planning consultant who designed the plan.

SECTION XI: SPECIFICATIONS: FINAL SUBDIVISION PLAN

A. FINAL SUBDIVISION PLANS

Final subdivision plans shall be prepared and submitted to the Planning Board, in the same manner as required for preliminary subdivision plans in Section XI.A, of this Ordinance.

B. INFORMATION TO BE SHOWN ON FINAL SUBDIVISION PLANS

The same information required to be shown on preliminary subdivision plans, by Section XI.B, of this Ordinance shall be shown on all subdivision plans.

In addition, the following shall be shown on all subdivision plans:

1. FINAL PLAN APPROVAL BLOCK

An approval block to record the approval of the final plan shall be permanently affixed to final subdivision plans and shall read as follows:

APPROVAL BLOCK

This subdivision Plan has been approved with conditions by the Mariaville Planning Board in accordance with Title 30-A MRSA, Section 4401, et seq.

Approved lots may be sold or leased only in accordance with all applicable terms and conditions included in and/or attached to the written Order issued by the Planning Board on__/__/__, and recorded in the Hancock County Registry of Deeds in Book_____on Page_____

Signed

_____
_____
_____
_____
_____
_____
_____

Date _____

SECTION XII: APPLICATION FEES AND TECHNICAL REVIEW ACCQUNT

A. APPLICATION PACKET FEE

The Application' Packet Fee required to cover printing costs for copies of the Application Form and copies of this Ordinance are as follows:

1. COPIES OF SUBDIVISION APPLICATIONS

   The non-refundable fee for copies of the Subdivision Application Form is five dollars ($5.00) per copy.

2. COPIES OF ORDINANCE

   The non-refundable fee for copies of this Ordinance is ten dollars ($10.00) per copy

B. APPLICATION PROCESSING FEES

The Application processing Fees required to cover the administrative handling costs associated with subdivision review under this Ordinance-are as follows:

1. SUBDIVISIONS

   The non-refundable fee to accompany the application of Subdivision Preliminary Plans is five hundred dollars ($500) plus one hundred dollars ($100) per lot or residential unit.

SECTION XIII: REVISION OF APPROVED PLANS AND TRANSFERS OF APPROVAL

A. REVISION OF APPROVED SUBDIVISION PLANS

Any application for subdivision approval which constitutes a revision or amendment to a final subdivision plan, which has been previously approved, shall indicate that fact on the application and shall identify the original subdivision being revised or amended.

Applications for revisions to existing plans shall comply with all of the fees, procedural requirements, and submissions required of this Ordinance for their classification.

The Planning Board shall make findings of fact and conclusions of law that the proposed revisions do or do not meet the applicable criteria of approval provided in Section IV

B. TRANSFER OF SUBDIVISION APPROVAL

If the transfer in ownership of any approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Planning Board. The new owner shall be required to submit a subdivision plan amendment to the Planning Board for its review and action.

SECTION XIV: ADDITIONAL REQUIRED IMPROVEMENTS

The following improvements are required for all subdivisions, unless waived by the Board in accordance with provisions of this Ordinance.

A. MONUMENTS

1. Monuments shall be set at all road intersections and points of curvature.

2. Monuments shall be set at all corners and angle points of the development boundaries where the interior angle of the subdivision boundaries is one hundred thirty five (135) degrees or less.

3. All other development boundary comers and angle points, as well as all lot boundary comers and angle points shall be marked by suitable permanent monumentation including, but not limited to the following:

   a. A granite monument;

   b. A concrete monument;

   c. An iron pin; or

   d. A drill hole in ledge.

B. WATER SUPPLY

1. The Board may allow the use of individual wells or a private central water supply system.

2. When a development is to be served by a central water supply system, the complete supply system, including any required fire ponds and dry hydrants, shall be installed at the expense of the subdivider.

3. If a central water supply system is provided by the developer, the location and protection of the source as well as the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.

C. SEWAGE DISPOSAL

1. The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

D. SURFACE DRAINAGE

1. Where a development is traversed by a stream, river, or surface water drainage-way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This surface water management system shall be overseen by the D.E.P.

2. Drainage easements for existing water courses or proposed drainage ways at least thirty (30) feet wide, conforming substantially with the lines of existing natural drainage, shall be provided and indicated on the Plan.

3. The developer shall provide a statement from a qualified professional or the D.E.P. that the proposed development will not create erosion, drainage or runoff problems either in the development or in other properties. Where the peak runoff from the development onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.

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

SECTION XV: DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND SERVICES

A. DEDICATION

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

2. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land, except for drainage easements.

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

    a. It shall not be used for future building lots; and

    b. A part or all of the common open space may be dedicated for acceptance by the municipality or other organization acceptable to the Board.

B. MAINTENANCE OF COMMON SPACE IN SUBDIVISIONS

1. If any or all of the common open space are to be reserved for use by the residents, the by-laws of the 'proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

2. Covenants for mandatory membership in the homeowners association setting forth the owners' right, interests, and privileges in the association and the common property, shall be reviewed by the Board and shall be included in the deed for each lot or dwelling.

3. The homeowners' association shall have the responsibility of maintaining the common property unless or until dedication is accepted by the municipality or other organization acceptable to the Board.

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

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

SECTION XVI: VIOLATIONS AND ENFORCEMENT

A. RECORDING OF SUBDIVISION PLAN WITHOUT PRIOR APPROVAL PROHIBITED

No plan of a division of land within the municipality which would constitute a subdivision under this Ordinance shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.

B. CONVEYANCE WITHOUT RECORDING PROHIBITED

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 in a Subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. CONVEYANCE OF LOTS NOT SHOWN ON FINAL PLAN PROHIBITED

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 in an approved subdivision which is not shown on the Final Plan as a separate lot.

D. CONVEYANCE WITHOUT APPROVAL PROHIBITED

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 in a subdivision requiring approval under this Ordinance, which has not been approved as required by this Ordinance.

E. UTILITY HOOKUPS PRIOR TO APPROVAL PROHIBITED

No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

F. ROAD COMPLETION PRIOR TO CONVEYANCE REQUIRED

No lot in a subdivision may be sold, leased, or otherwise conveyed before the Road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this Ordinance.

G. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL

Failure to comply with any conditions of approval shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction, development or any specific activity violating the conditions of permit approval or applying the legal penalties provided herein.

H. FAILURE TO PAY

Failure to pay application fees, filing fees, as required by this Ordinance shall be considered a violation of this Ordinance.

I. OWNER RESPONSIBLE FOR OFF-SITE SEDIMENTATION

Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the owner to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail (return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance.

J. NUISANCES

Any violation of this Ordinance shall be deemed a nuisance.

K. CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, the person or persons responsible for such violation shall be notified in writing, including the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

L. LEGAL ACTIONS

When there is a violation of this Ordinance, the Selectmen, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Code Enforcement Officer, upon certification, is hereby authorized to represent the Town in District Court pursuant to Title 30-A, MRSA, Sec. 445 1 et seq.. In any case, the Town Attorney may prosecute such actions.

M. FINES & FEES

Any violation of this Ordinance is punishable pursuant to Title 30A, MRSA, section 4452.The provisions of that statute governing fines and fees is expressly applicable to violations under this Ordinance. Each day such violation is continued is a separate offense. All such fines shall accrue to the Town.

N. CONTRACTOR LIABILITY

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits and/or approvals for such activity have not been obtained.

SECTION XVII: GENERAL PERFORMANCE STANDARDS

In reviewing applications submitted pursuant to this Ordinance, the Board shall consider the following performance standards and make written findings that each has been met prior to issuing final approval.

A. CONFORMANCE WITH COMPREHENSIVE PLAN

All proposed subdivisions shall be in conformance with the Comprehensive Plan and Policy Statements of the Town and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

B. RELATIONSHIP TO MUNICIPAL SERVICES

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, sewer and water systems, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

C. RELATIONSHIP TO SCENIC CHARACTER OF THE NEIGHBORHOOD

Proposed buildings, structures and roads shall be related harmoniously to the terrain and to existing buildings and structures in the vicinity that have a visual relationship to the proposed subdivision, so they will not have an unreasonable adverse effect on the scenic character of the surrounding area.

D. LAND NOT SUITABLE FOR DEVELOPMENT

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size for the zone in which the development is located:

1. Land which is situated below the operating level licensed to the party-in-possession of the Graham Lake Dam or the normal high water mark of any water body, whichever is the most restrictive;

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

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

E. TOPSOIL AND VEGETATION REMOVAL

I. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a water body, and extending one hundred (100) feet inland from all points along the shoreline at the operating level licensed to the party-in-possession of the Graham Lake dam or the normal high water mark, whichever is the more restrictive, shall be limited in accordance with the clearing of vegetation provisions of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances in effect at the time.

F. EROSION AND SEDIMENTATION CONTROL

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance.

1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages.

2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:

   a. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;

   b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;

   c. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;

   d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;

   e. The disturbed area and the duration of exposure shall be kept to a practical minimum;

   f. Disturbed soils shall be stabilized as quickly as practicable.

   g. Temporary vegetation or mulching shall be used to protect disturbed areas during development;

h. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;

i. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;

j. During grading operations, methods of dust control shall be employed wherever practicable.

k. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the person or persons causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at their expense as quickly as possible;

l. It is the responsibility of any person performing any activity on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible the present state of the stream, water course, swale, floodway or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed; and

m. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

G. LOT STANDARDS

1. If a lot on one side of a stream, or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size, unless such lots are established lots of record prior to the adoption of this Ordinance.

2. Minimum Lot Standards

a. The minimum lot shall be as provided for in the Building Permit Ordinance.

b. Set Back 35 feet from edge of right-of-way
10 feet sides
10 feet back

c. Minimum road frontage: 200 feet on a subdivision, private or public road, or sufficient demonstration of a Right of Way or Easement for purposes of access and road construction and/or maintenance.

H. UTILITIES

1. Convey an easement to the power company.

I. CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

SECTION XVIII: ROAD DESIGN AND CONSTRUCTION STANDARDS

A. GENERAL REQUIREMENTS

In approving applications submitted pursuant to this Ordinance, the following requirements shall apply:

1. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.

2. Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the town road system and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.

3. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

4. The Board shall not approve any development plan unless proposed roads are designed in accordance with the specifications contained in this Ordinance. Approval of a Final Plan by the Board, shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.

B. ROAD DESIGN STANDARDS

1. These design standards shall be met by all roads within subdivisions reviewed under this Ordinance, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

2. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads in this Ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the Planning Board may require that the development plan indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of this Ordinance.

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

3. The following design standards apply to subdivision roads:

DESCRIPTION	DIMENSION
Minimum Right-of-way Width	50 ft.
Minimum ROAD Width (plus 2 foot shoulders on each side)	18 ft.
Maximum Grade	15 %
Roadway Crown	¼ in per ft.
Minimum Angle of all Road Intersections	75 degrees
Maximum Grade within 25 ft. of Intersections	3 %

4. DEAD END ROADS:

In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around.

5. GRADES, INTERSECTIONS, AND SIGHT DISTANCES:

a. Grades of all roads shall conform in general to the terrain.

C. ROAD CONSTRUCTION STANDARDS

1. MINIMUM THICKNESS OF MATERIAL AFTER COMPACTION:

ROAD MATERIALS	
AGGREGATE SUB-BASE COURSE Maximum sized stone = 4"	15”

2. PREPARATION:

a. Side slopes of exposed soil shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, limed, fertilized, and seeded and mulched.

D. CLEANUP

Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

E. ROAD NAMES, SIGNS, AND LIGHTING

a. Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town, and shall be subject to the approval of the Board. The developer shall reimburse the Municipality for the costs of installing road name, traffic safety and control signs.

b. Any prospective sub-divider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Selectmen, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 (fifty) feet to aid in assignment of numbers to structures subsequently constructed.

F. DRIVEWAY CULVERTS

The minimum size of any driveway culvert shall be six (6) inches in diameter. The minimum and maximum lengths respectively shall be twenty four (24) and thirty six (36) feet in length.

SECTION XIX: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

A. GENERAL PROVISIONS

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following storm drainage design and construction standards:

1. The storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption and/or evaporation of run-off waters shall be utilized to minimize discharges from the site.

2. Surface water runoff shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. The design basis is a twenty-five (25) year storm.

B. STORM WATER MANAGEMENT DESIGN STANDARDS

1. Adequate provision shall be made for disposal of all storm water generated within the development and any drained ground water through a management system of swales, culverts, underdrain and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.

2. All components of the storm water management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for the closest reporting station to Mariaville, Maine.

3. Catch basins shall be installed where necessary.

4. Inlets and outlets of culverts shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity.

C. STORM DRAINAGE CONSTRUCTION STANDARDS

1. REINFORCED CONCRETE PIPE:

Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .O1 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated concrete pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

2. CORRUGATED METAL PIPE:

Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than five (5) percent.

3. ABS PIPE:

ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type Ill.

4. CORRUGATED PLASTIC PIPE:

Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.

5. ACCESS HOLES:

Access holes, if required, shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3000 psi 28 day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in **a** full mortar bed and tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

6. CATCH BASINS:

Catch Basins shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3000 psi 28 day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed with tops which shall conform to the requirements of AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

7. DRAIN INLET ALIGNMENT:

Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Town's consulting Engineer.

8. ACCESS HOLE PLACEMENT:

Access holes, if required, shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of four hundred foot (400') intervals.

9. CATCH BASIN AND ACCESS HOLE MAINTENANCE:

Upon completion each catch basin or access hole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until the Town will accept the road.

SECTION XX: PROVISION FOR CLUSTER DEVELOPMENT

A. PURPOSE

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted by this Ordinance.

In addition, the purpose of allowing Cluster Development shall be to encourage housing development which will result in:

1. Additional open space and recreation areas;

2. A pattern of development which preserves trees, outstanding natural topography and geologic features and reduces soil erosion; and

3. An efficient use of land resulting in small networks of utilities and streets.

B. ALLOWABLE REDUCTION IN REQUIREMENTS

To accomplish the purposes above, the layout and dimensional requirements of this Ordinance may be reduced as follows:

I. The Board may reduce area requirements by not more than fifty percent (50%) but only if a net area at least equal in area to the cumulative lot size reduction is maintained as common or public land.

2. The Board shall not increase building height limitations; and

3. The modification of requirements under this section shall not require a variance and no finding of undue hardship shall be required.

C. PERFORMANCE STANDARDS

All cluster developments approved by the Board must meet the following requirements:

1. All the requirements and standards of this Ordinance, except those dealing with lot layout and dimensions, shall be met.
2. The minimum area of land in a cluster development in the shoreland area shall be twenty (20) acres and in all other parts of town, ten (10) acres.

3. Where a cluster development is proposed on a parcel which abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.

SECTION XXI: PERFORMANCE GUARANTEES

A. DEFAULT

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

Failure to construct in accordance with approved plans and specifications shall be a violation of this ordinance and punishable pursuant to title 30A, MRSA, Section 4452.

B. PRIVATE ROADS

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

SECTION XXII: WAIVERS

A. WAIVER OF SUBMISSION REQUIREMENTS

Where the Board makes written' findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements, provided the public health, safety and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any Ordinance.

B. WAIVERS OF REQUIRED IMPROVEMENTS

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

C. WAIVERS, CONDITIONALLY GRANTED

In granting waivers to any of the provisions of this Ordinance in accordance with subsections A, B, and C, above, the Board shall require such conditions as will assure the purposes and objectives of this Ordinance are met.

D. WAIVERS LIMITED

No other waivers of the provisions of this Ordinance may be granted, except as expressly authorized by this section.

SECTION XXIII: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

In this Ordinance, certain terms and words shall be interpreted as follows:

1. The words "persons" and "applicant" includes individuals, firms, associations, corporations, organizations, and similar entities;

2. Words used or defined in one tense or form shall include other tenses or derivative forms;

3. Words in the singular number shall include the plural number and words in the plural shall include the singular number;

4. The masculine gender shall include the feminine and the feminine shall include the masculine;

5. The word "shall" is mandatory;

6. The word "may" is permissive;

7. In case of difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

B. DEFINITIONS

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

1. APPLICANT

The assessed owner or owners of land to be subdivided or person with documented right, title, or interest in the land to be subdivided.

2. BOARD

The Planning Board of the Town of Mariaville, Maine

3. CLUSTER DEVELOPMENT

A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town, or a land conservation organization, as allowed by the Planning Board.

4. COMPLETE APPLICATION

An application presented to the Planning Board which includes (1) receipt for fee paid; 2) completed application form; (3) Planning Board notification stating that all other submissions required herein for that type of application have been received and are satisfactory.

5. COMPREHENSIVE PLAN OR POLICY STATEMENT

Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, MRSA, Section 4311**,** et seq.

6. CONTIGUOUS LOTS

Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof.

7. DRIVEWAY

Driveway shall mean a private way providing 4-wheel vehicular access from a public way to not more than two lots.

8. EASEMENT

The authorization of the property owner for the use by another, and for a specified purpose, of any designated part of his property.

9. ENGINEER

Municipal Engineer or consulting engineer licensed by the State of Maine.

10. FINAL PLAN

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

11. FRESHWATER WETLAND

Freshwater Wetlands shall be defined as in Title 38 M.R.S.A., Sec. 4808, Natural Resources Protection Act. According to 1989 statutes, Freshwater Wetlands are defined as follows:

"Freshwater Wetlands" means freshwater swamps, marshes, bogs and similar areas which are:

a. Of ten (10) or more contiguous acres, or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres;

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

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

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

Delineating standards shall be as per current rules and regulations of the Maine Department of Environmental Protection.

12. FRONTAGE

The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

a. A way accepted by or established as belonging to the Town of Mariaville, or the State of Maine, provided access is not specifically prohibited;

b. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan.

Frontage dimensions shall meet or exceed the minimum frontage required by the Town's Zoning Ordinance.

13. HIGH INTENSITY SOIL SURVEY

A Class A soil survey, conducted by a Certified Soil Scientist and prepared according to the standards of the National Cooperative Soil Survey, resulting in a soils map in which the mapping units are single phases of soils series and the mapping units delineated are contrasting soils of one eight *(1/8)* acre or less in size.

14. LEGISLATIVE BODY

Special or Regular Town Meeting.

15. LOT

Any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clearly separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single-family residence, not intended for human occupancy. Included under this definition of a lot would be apartments, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.

16. NET ACREAGE

The total acreage available for the subdivision or development and shown on the proposed subdivision or development plan, minus the area for roads or access and the areas which are unsuitable for development.

17. NGVD

National Geodetic Vertical Datum.

18. NORMAL HIGH WATER ELEVATION OF INLAND WATERS

Along lakes, ponds, and streams, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; along streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

19. OFFICIAL MAP

The maps adopted by the Municipality showing the location of public property, ways used in common by more than two (2) owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision

plans by the Planning Board and the subsequent filing for record of such approved plans.

20. OFFICIAL SUBMITTAL DATE

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

21. ONE-HUNDRED-YEAR FLOOD

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

22. PERSON

Includes an individual, firm, association. partnership, trust, company, corporation, municipal or other local government entity, quasi-municipality, state agency, educational or charitable organization or institution or other legal entity. -

23. PLANNING BOARD ORDER

A written decision of the Planning Board including findings of fact, conclusions of law, decisions, and conditions and/or terms of approval, if any.

24. PRELIMINARY SUBDIVISION PLAN

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

25. RECENT FLOOD PLAIN SOILS

The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Fryeburg
Hadley	Lovewell	Medomak
Podunk	Rumney	Suncook
Sunday	Charles	Limerick
Ondawa	Saco	Winooski

26. REPRODUCIBLE COPIES OF FINAL PLAN

Mylar, plastic film, or other durable, permanent, stable based, transparent material upon which Final Subdivision Plans are drawn and upon which the Planning Board affixes a stick-on approval block for their signatures at the time of final approval.

27. RIGHT-OF-WAY

A street or other area over which is given legal right of passage. A public right-of-way is a way dedicated to the use of the public and accepted for ownership by the Town of other level of government.

28. ROAD

Public and private ways such as Town ways, public rights-of-way, and private rights-of-way to 3 or more lots.

29. SUBDIVISION

As defined by Title 30-A, M.R.S.A., Section 4401, as the same may be amended from time to time, except that a lot of forty (40) acres or more shall be counted as a lot.

30. TOWN

Town of Mariaville, Maine

31. TRACT OR PARCEL OF LAND

All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream or a private road established by the abutting land owners.