Town of Roxbury, Maine

SUBDIVISION ORDINANCE

ADOPTED: JUNE 28, 2007

AMENDED: June 1, 2026

Subdivision Ordinance
Town of Roxbury, Maine

SECTION 1. PURPOSE

The purpose of this Ordinance shall be to assure the comfort, health, safety, and general welfare of the public, to protect the environment, and to provide for the orderly development of sound and stable community by providing uniform procedures and standards for the review of subdivision applications in the Town of Roxbury.

SECTION 2. AUTHORITY, APPLICABILITY AND ADMINISTRATION

A. Authority

1. This Ordinance is adopted pursuant to home rule authority as provided for in the Constitution of Maine, Article VIII, Part Second, and Title 30-A M.R.S.A. Section 3001.

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

B. Applicability

This Ordinance shall apply to all land area and buildings proposed for subdivision in accordance with the criteria of Title 30-A Section 4401. This Ordinance does not apply to land areas and buildings which are exempt from subdivision review in accordance with Title 30-A Section 4402.

C. Administration

1. This Ordinance shall be administered by the Planning Board for the Town of Roxbury, hereafter referred to as the "Board."

2. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration, any land or building proposed for subdivision without receiving subdivision approval from the Board and recording the Subdivision Plan with the Oxford County Registry of Deeds.

3. No public utility, or any utility company of any kind, shall install services to any lot in a subdivision which has not received approval by the Board and has not been recorded in the Oxford County Registry of Deeds.

4. The division of land area or a building meeting the definition for a subdivision in accordance with Title 30-A Section 4401 that has not received approval from the Board, but has been recorded with the Oxford County Registry of Deeds, shall be considered void. Persons who violate any provision of this Ordinance shall be fined

a minimum of $100 and a maximum of $2,500 for each violation. Each day the violation exists shall be considered a separate violation.

SECTION 3. PRE-APPLICATION MEETING

Prior to submitting a formal subdivision application, the applicant must schedule a pre-application meeting with the Board to present a sketch plan, an overview of the existing site conditions, and a description of the proposed subdivision application.

A. Submissions

The pre-application sketch plan shall show, in simple sketch form, the proposed development area, and existing site conditions. The sketch plan, which may be a freehand penciled sketch, must be supplemented with general information to describe or outline the existing conditions of the site and the proposed development.

For applications proposed in the Shoreland Zone, all requirements of the Town of Roxbury Shoreland Zoning Ordinance must be met in addition to the provisions contained herein.

B. Ownership Interest

The applicant shall provide written evidence showing right, title or interest (option, contract for sale, etc.) in the property to be developed to the Board.

C. Contour interval and on-site Inspection

Within thirty (30) days of the pre-application meeting, the Board shall determine and inform the applicant, in writing, of the required contour interval on the Development Plan and conduct an on-site inspection of the property.

SECTION 4. PRELIMINARY PLAN

A. The applicant shall submit six (6) copies of the Preliminary Plan and six (6) copies of the Preliminary Plan Application for the proposed subdivision to the Board at a regularly scheduled meeting, as detailed in Section 6 A. and B. of this Ordinance. The Board shall issue a dated receipt to the applicant upon receipt of the Preliminary Plan and Preliminary Plan Application.

B. The following fee(s) shall be paid upon submission of the Preliminary Plan. Upon recommendation from the Board, the Select Board shall have the authority to revise the application fee and the review escrow amount after holding a public hearing.

1. **Application fee**- $250.00 plus $50.00 per lot or dwelling unit.

2. **Review escrow account**- $100.00 per lot or dwelling unit deposited in an escrow Account established by the town, which monies may be used by the Board to pay for the professional reviews and advice related to the application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account. The notice shall specify the purpose for which the proposed expenditures will be used. Those monies deposited by the applicant that are not spent by the Board in its review of the application shall be returned to the applicant within (30) days of a final

decision on the application by the Board, if all outstanding issues have been resolved, and all conditions of approval have been met.

C. Upon receipt of a Preliminary Plan, the Board shall notify all abutting property owners of the proposed subdivision in writing.

NOTE: "Abutting land" means land that shares a common boundary, or portion of a boundary, with the lot proposed for subdivision approval. Abutting land includes land separated by a road.

D. Within thirty (30) days of receipt of a Preliminary Plan, the Preliminary Plan Application form, and the Preliminary Plan fee, the Board shall notify the applicant in writing if the application is complete or incomplete, and what additional submissions, if any, are required to make the application complete.

E. The Board shall hold a public hearing on the Preliminary Plan Application and publish notice of the date, time and place of the hearing in a newspaper of general circulation in the Municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town.

When a subdivision is within 500 feet of a municipal boundary, or land within the jurisdiction of the Land Use Planning Commission, the Board shall notify the Planning Board or designated review authority of the adjacent municipality, or the Land Use Planning Commission, by mail at least ten (10) days prior to the hearing.

F. The Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan ;within thirty (30) days of a public hearing, or within sixty (60) days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant. The Board shall specify in writing its findings and facts and reasons for any conditions or denial.

G. When granting Preliminary Plan approval, the Board shall state conditions of approval, if any, in writing with respect to:

1. The specific changes required in the Final Plan submission;

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

3. The amount and type of all performance guarantees required as a pre-requisite to the approval of the Final Plan.

4. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan.

The Final Plan shall be submitted for approval by the Board upon fulfillment of the conditions of Preliminary Plan approval, if any, and must contain the requirements of Section 5 below. Prior to the approval of the Final Plan, the Board may require additional changes or conditions the Board deems necessary, as a result of the further study of a subdivision or as a result of additional information received, so that the Final Plan satisfies

all of the approved criteria set forth in this Ordinance and in Title 30-A M.R.S.A. §4404 for subdivision approval.

SECTION 5. FINAL PLAN

A. The applicant shall submit the (2) originals and six (6) copies of the Final Plan to the Board at a regularly scheduled meeting, within one (1) year from the date of approval of the Preliminary Plan. The Board shall issue a dated receipt to the applicant. The Final Plan must include the requirements detailed in Section 6. B of this Ordinance and will also include all changes recommended by the Board in their approval of the Final Plan. The original Final Plan shall be drawn on a stable-based transparent material embossed with seal and signature of the professional who prepared it suitable for permanent recording in the Oxford County Registry of Deeds.

B. The Board has the option of holding a public hearing on the Final Plan except the Board shall hold a public hearing for a Final Plan that a municipal service impact analysis required in section 6.A.20 results in a municipal impact. The Board shall publish notice of the date, times, and place of the hearing in a newspaper of general circulation in the Municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the town.

C. The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received the complete Final Plan. If no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in title 30-A M.R.S.A. section 4404, and to preserve the public's health, safety and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this Ordinance and the requirements of Title 30-A M.R.S.A. Section 4404.

SECTION 6. SUBMISSION REQUIREMENTS

A. Application

The application form shall be furnished by the Board, filled out by the applicant and shall include the following information:

Note

- items marked with an "X" shall be required in all instances.
- items without an "X" may be required at the discretion of the Board.

	Sketch Plan	Requirement
1	X	Name and address of owner.
2	X	Name and address of applicant (if other than owner).
3	X	If applicant is a corporation, state whether the corporation is licensed to do business in Maine and attach a copy of the Secretary of State's registration.
4	X	Name of applicants' authorized representative.
5	X	Name, address and seal of the registered professional engineer or the Professional Land Surveyor who prepared the plan.
6	X	Address to which all correspondence from the Board should be sent.
7	X	What interest does the applicant have in the parcel to be subdivided (land purchase contract, recorded ownership, etc.)
8	X	What interest does the applicant have in any property abutting the parcel to be subdivided?
9	X	Statement whether the subdivision covers the entire or contiguous holdings of the applicant.
10	X	Location of property: book and page (from registry of deeds) and tax map book and page number.
11	X	Current Shoreland Zoning district of property if located in Shoreland Zone.
12	X	Acreage of parcel to be subdivided.
13	X	Proposed method of sewage disposal and the results of an on-site soil investigation for each lot.
14		Soils report for the entire area.
15	X	Names and mailing addresses of abutting property owners of the parcel to be subdivided and preaddressed and stamped 10 business envelopes to each abutter.
16	X	A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
17	X	The type of water supply to be used in the subdivision and

		evidence of adequate quality and quantity provided by a well or a hydro geologist familiar with the area.
18		A Storm Water Management Plan prepared in accordance with Storm Water Management for Maine: Best Management Practices by the Maine Department Of Environmental Protection.
19	X	Any portion of the subdivision that is located within the direct watershed of a great pond including Ellis Pond be identified and a phosphorous impact analysis and control plan provided.
20		A municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Roxbury. This list shall include but not limited to: schools including busing; road reconstruction, maintenance, and snow removal including on roads closed to winter maintenance; solid waste disposal; and fire protection. The applicant shall provide an estimate of the net increase in taxable assessed valuation upon build out of the subdivision.
21	X	Statements from the Fire Chief and Road Commissioners as to their departments' capacity to serve the subdivision including the need for fire ponds and/or dry hydrants.
22	X	The location of scenic sites and view locations as identified in the Roxbury Comprehensive Plan.
23	X	The location, names, widths, maintenance responsibility, winter maintenance status and conditions of roads that will be used to access the subdivision and lots within the subdivision.
24		A copy of the approved driveway or entrance permit issued by the Maine Department of Transportation if a driveway or entrance is

		proposed on road will enter onto Route 17, Route 120, or the Horseshoe Valley Road. A copy of the approved driveway or entrance permit issued by the Roxbury Road Commissioners or Select Person/Board if a driveway or road will enter onto any town road.
25		A copy of the approved driveway or entrance permit issued by the Roxbury Road Commissioners or Select Person/Board if a driveway or entrance is proposed on any town road.
26		A traffic impact study.
27	X	A statement of financial and technical capability. (this may include a letter of credit provided by a financial institution)

B. Subdivision plan

The Subdivision Plan shall be a map of the tract to be subdivided, certified by a Professional Land Surveyor and tied to established reference points. The Plan shall not be less than 18" by 24" and shall be drawn to scale of 1" equals not more than 100'.

The Subdivision Plan shall include the following information:

- items marked with an "X" shall be required in all instances.
- items without an "X" may be required at the discretion of the Board.

	Preliminary Plan	Final Plan	Requirement
1	X	X	Name of proposed subdivision; location of subdivision; name of applicant; and signature and embossed seal of a Professional Land Surveyor.
2	X	X	Lot numbers.
3	X	X	Date, magnetic north point and graphic map scale
4	X		Proposed lot lines with dimensions, proposed are per lot, and total area of land to be subdivided.
5		X	Proposed lot lines with dimensions, bearings, deflection angles. Radii and central angles sufficient to reproduce any line on the ground and lot areas and total area of land to be subdivided.
6	X		Location of temporary markers to enable the Board to locate and appraise each lot readily in the field.
7		X	Location of permanent markers, both natural and man made.

8	X	X	Location of all parcels to be dedicated to public use and the conditions of such dedication.
9	X	X	Names of abutting property owners and subdivisions. Reference to recorded Subdivision Plans of adjoining lands by book and page number.
10	X	X	If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the Plan
11	X		Location of all required soils investigation test pits.
12	X	X	Location and size of existing buildings and buildings approved but not constructed.
13	X	X	Suggested location of buildings subsurface sewage disposal systems and wells.
14	X		Location of all natural features or site elements to be preserved.
15	X		Location and size of any existing utilities; location and size of culverts and drains.
16	X		Location of existing recreation trails that enter and /or cross the parcel to be subdivided.
17	X	X	Location, names and widths of existing and proposed roads, highways, easements and right-of-way.
18		X	Plan profiles and cross-sections for roads and storm drainage facilities.
19	X	X	A soil erosion and sediment control plan for construction and for permanent control.
20	X		Contour lines at 20-foot intervals (or another interval as specified by the Board).
21	X	X	The location of freshwater wetlands.
22	X	X	The location of river, stream or brook within or abutting the proposed subdivision.
23	X		The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town of Roxbury.
24	X	X	The location of known or potential/archeological resources, historic buildings or sites, unique natural areas and mapped sand and gravel aquifers with a description of how such features will be maintained or impacts upon them minimized.
25	X		Any portion of the subdivision which is located within the direct watershed of a lake or pond shall be identified.
26	X	X	Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the example below.
27			Other information not indicated above as required by the Board.

Approved by the Town of Roxbury:

Signed:_____

Date:_____.

Conditions:_____

SECTION 7. General Requirements

In reviewing an application for subdivision approval, the Board shall consider the following requirements and make a finding that each have been met prior to final approval, in addition to the standards in Title 30-A M.R.S.A. Section 4404. In all instances, the burden of proof shall be upon the applicant proposing the subdivision application.

A. Conformance with Local, State, & Federal Regulations

The proposed subdivision must be in conformance with all pertinent local, state, and federal ordinances, statues, laws, and regulations. If the proposed subdivision meets the definition of a subdivision as defined in the Site Location of Development Act, Title 38, M.R.S.A. Section 482, the applicant must obtain approval from the Department of Environmental Protection and the Board prior to initiation of any construction activity included in the subdivision.

B. Impact on Community Facilities and Services

Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities. When the Board finds, based on a recommendation of the Select Board and the results of any municipal services do not have the capacity to provide services to the proposed subdivision, the Board will require one or more of the following.

1. Payment to the Town of Roxbury to mitigate the direct impact to municipal services that has been identified as the consequence of the proposed subdivision. Any such payment shall be subject to the following provisions.

    a. The Board, with consultation from the Select Board, must find that the money offered will mitigate the identified direct impact of the subdivision.

    b. The payment shall be held in a reserve account and may only be expended to fund capital improvements agreed to by the applicant and the Board to mitigate the identified direct impacts.

    c. The payment in all cases shall be expended within five (5) years of collection, unless another timeline has been agreed upon by the Board and the applicant.

    d. Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest, as earned by the Town of Roxbury for the period the payment was held by the Town.

2. The applicant will undertake required improvements necessitated by the subdivision.

3. Require phasing of the subdivision or limiting the number of lots that can be developed at any one time to allow the expansion of municipal services over time.

4. Deny the subdivision.

C. Lots

1. The lot size shall be in conformance with the following dimensional requirement.

    a. A minimum lot size of five (5) acres shall be required for each lot or dwelling unit. No lots shall have a lot depth to road ratio greater than five (5) to one (1).

    b. The minimum lot size in a designated growth area (identified in the Comprehensive Plan) shall be 20,000 square feet.

    c. No part of any structure shall be built within 25 feet of any lot line or within 50 feet of any edge of a road right-of-way.

    d. For lots located in the Shoreland Zone, the lot size and shore frontage standards contained within the Shoreland Zoning Ordinance for the Town of Roxbury must be met.

D. Accessory Dwelling Units

1. A lot where a single-family dwelling unit is the principal structure may establish one accessory dwelling unit. The accessory dwelling unit is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed, except that for any accessory dwelling unit within the Shoreland Zone, it may only be established on a lot where the accessory dwelling unit itself can meet the minimum lot area and minimum shore frontage requirements.
    a. The maximum size for an accessory dwelling unit shall be 750 square feet.
    b. Accessory dwelling units are not exempt from any building permit requirements.

E. Lot Access

1. Any proposed subdivision shall be so designed that every lot has access to a public or privately owned road.

2. Driveway entrances: subdivisions with lots fronting on existing public streets shall minimize the number of driveways entering such streets. The Board shall require shared driveways, streets or other acceptable techniques to limit the number of entrances.

F. Open Space Provisions

1. The Board may require that the applicant reserve an area of land as an open space or recreational area for use by property owners in the subdivision.

    a. If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance and taxes shall be met.

    b. Included in the instrument of conveyance to each property owner of the subdivision shall be statement of:

        i. The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.

ii. If appropriate, the individual property owner's pro-rate share of development costs, maintenance cost and property taxes of the reserved land.

iii. The Storm Water Management System shall be designed to accommodate upstream drainage, and must not overload existing or future planned storm drainage systems downstream from the subdivision. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

iv. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

G. Erosion and Sediment Control

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized. The following measures shall be included as part of any subdivision approval, as determined by the Board.

1. Stripping of vegetation shall be done in such a way so as to minimize erosion.

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

3. Erosion and sedimentation control measures shall apply to all aspects of proposed projects involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized prior to a storm event, or within one (1) week from the time it was last actively worked. Stabilization shall include the use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization must occur within nine (9) months of the initial date of exposure. In addition:

   a. Where hay mulch is used, it shall be applied at a rate of at least one (1) bale per five-hundred (500) square feet and shall be maintained until a catch of vegetation is established.

   b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

   c. Additional measures shall be taken where necessary to avoid siltation in the water. Such measures may include the use of stakes, hay bales, silt fences and/or erosion control berms.

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

6. Where sedimentation is caused by stripping vegetation, regradeing or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and to repair any damage at his or her expense as quickly as possible.

7. 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.

8. The standards set forth in the "Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices" (March 1991, as amended) shall be employed.

H. Phosphorous Export

Phosphorus, a natural nutrient, stimulates algal growth that causes a significant decline in water quality. The primary source of new and increasing phosphorus loads in Maine's lakes is development; residential, commercial, or industrial. Impacts of phosphorus on water quality are permanent. The following phosphorus control measures were created and designed to address this concern.

1. Subdivisions proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to levels defined below.

Post Development Phosphorus Export by

Lake Name	Lake Protection Level	Lake load Allocation Export (lbs/ppb/yr) [1]	Allowable Phosphorus Per Acre (lbs)
Ellis Pond	High	93.98	0. 057
Bunker Pond	Medium	-	-
Birch Pond	Medium	-	-

[1]The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

2. Phosphorus export from the proposed subdivision shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.

3. Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992, or as may be amended). The Board, in their discretion, may require use of vegetive buffers, impose limits on clearing, and minimize road lengths to uphold water quality.The Board shall encourage the use of other non-structural mitigation

measures such as infiltration systems and wet ponds.

I. Construction in Flood Hazard Area

When any part of a subdivision is in a special flood hazard area identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100- year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

J. Roads

1. Off-site roads serving a proposed subdivision must demonstrate sufficient condition and capacity to safely carry the traffic associated with the proposed subdivision. In making a determination on the sufficiency and capacity of the roads serving the proposed subdivision to safely carry the traffic associated with the proposed subdivision, the Board shall consider the following:

    a. Residential subdivisions that will gain access via public roads or public easements closed to winter maintenance shall be prohibited unless the applicant shall finance the cost of necessary improvements to make the road or public easement suitable for winter maintenance. Such improvements must be made by the Town or a contractor selected by the Town. The Board shall base the needed improvements upon the recommendation of the inspecting official.

    b. Lots in residential subdivisions that will gain access via public roads or private roads that are deeded by the inspecting official, determined by the Board, to not have adequate capacity to carry traffic associated with the proposed subdivision shall be prohibited unless the applicant undertakes the necessary improvements to make the road suitable for the anticipated traffic. In determining adequate capacity, the inspecting official(s) shall consider provisions for two-way traffic, safe access by emergency vehicles, and all-season use. The Board shall base needed improvements to provide adequate capacity upon the recommendation of the inspecting official. Improvements shall be made at the expense of the subdivider in accordance with Section 7. I.4 below.

2. Design of proposed road whether public or private shall be in harmony and conformance with existing and proposed roads. Road patterns shall give due consideration to contours and natural features. Every proposed road, public or private, in a subdivision shall be laid out and constructed as required by the standards contained in Section J items 3-6 below. Specific site conditions may warrant alternative designs.

    i. **Road Names:** road names require the approval from the Select Board. Roads proposed to align with existing and named roads shall be given the name of the existing road. Names of new roads shall not duplicate or closely approximate those of existing roads.

    ii. **Dead-end or Cul-de-sac Roads:** dead-end or cul-de-sac roads shall be provided at the closed end with a turn-around having a property line radius of at least 60 feet with an outside pavement radius of at least 40 feet.

iii. **Drainage:** adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, and/ or storm water drainage system. Provisions must be made for natural water courses.

iv. **Culverts:** culverts will be galvanized, corrugated steel, concrete, aluminum or plastic. Culverts shall be sized to accommodate anticipated flows, but in no case shall be less than fifteen inches in diameter.

v. **Slopes and Ditches:** slopes and ditches shall slope away from the shoulders of the road at a ratio of at least three (3) horizontal feet to one (1) vertical foot, and in no case steeper than a ratio of two (2) horizontal feet to one (1) vertical foot. In cases where this is not possible or practical due to road cuts through the side of a hill, all cuts shall be cleared of all trees,stumps and boulders for an adequate distance, as determined by the Board, to prevent such material from sliding into the ditches. Banks will be loomed, seeded and mulched.

Ditches shall be a minimum of 30 inches deep on slopes of 10% or greater shall be constructed with a stone center of at least five (5) feet wide, to a point at least six (6) inches above the maximum flow line planned for the ditch. Stone centers shall be designed in accordance with the "Maine Erosion and Sediment Control Handbook for Construction Best Management Practices, Cumberland County SWCD and Maine Department of Environmental Protection", March 1991.

vi. **Grades, Intersections, and Sight Distances**

i. Grades of all roads shall conform in general to the terrain so that cut and fill is minimized while maintaining the grade standards.

ii. All changes in grades shall be connected by vertical curves to provide for the minimum site distances below.

iii. Where new road intersections or driveway curb-cut are proposed, site distances as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet above the pavement and the height of object 4 ¼ feet.

Posted/ Legal Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance (feet)	155	200	305	360	425	495	570

Where necessary, the right of way at a corner lot that is part of the subdivision shall be cleared of all growth and site obstructions, including ground excavation to achieve the required visibility, as determined by the Board. Where clearing is required, maintenance responsibility must be identified.

vii. **Privately Owned Roads**

i. **Maintenance.** The applicant shall demonstrate, to the satisfaction of the Board, that the private road will be properly maintained. The applicant shall submit the proposed Road Owners Association Bylaws that defines the minimum requirements for road maintenance and how cost will be shared among the lot owners.

ii. **Deed Restriction.** The applicant shall cause each property deed to clearly state that the road is a private road, and the Town of Roxbury will not be responsible for maintaining or plowing.

iii. **Plan Notation**. The recorded subdivision plot shall clearly state that such road is private.

iv. All private roads shall provide clear routes of access and maintenance for emergency vehicles to all portions of the subdivision and shall be posted with appropriate signage.

3. **Classification of Roads:** All new subdivisions roads shall be classified as provided Subsection D.

a. The classification shall be based upon the projected volume of traffic to be carried by the road, stated in terms of the number of trips per day.

b. The number of dwelling units to be served by the road may be used as a useful indicator of the number of trips but is not conclusive.

c. Whenever a subdivision road continues an existing road that formerly terminated outside the subdivision, or it is expected that a subdivision road will be continued beyond the subdivision at some future time, the classification of the road will be based upon the road in its entirety, both within and outside of the subdivision.

d. The classification of roads shall be as follows:

i. **Local.** A road whose function is to provide access to abutting properties. A local road shall not be allowed when the Average Daily Traffic (ADT) volume will exceed 500.

ii. **Collector**. A road whose principal function is to carry traffic for residential roads to higher order roads. Average Daily Traffic (ADT) shall not exceed 3,000. If the road exceeds 3,000 ADT, the Municipality upon recommendation from an engineer, shall determine the required design standards.

4. Construction Standards

ITEM	COLLECTOR	LOCAL
Minimum width of right-of-way	60 ft.	50 ft.
Minimum width of pavement/travel way	24 ft.	24 ft.

Minimum Grade	.5%	.5%
Maximum Grade	.8%	12%
Maximum grade at intersections	2% within 75 ft of intersection	
Minimum angle of intersections	60°	60°
Width of shoulder (per shoulder)	5 ft	5 ft
Minimum center line radii on curves	200 ft.	150 ft.
Minimum tangent length between reverse curves	200 ft.	100 ft.
Road base (Minimum) Subbase Upper base	27 in. 24 in. 3 in.	18 in. 12 in. 6 in.
Paving	3 in.	2 ½ in.
Road crown (Minimum)	¼" /1'	¼" /1'
Property line radii (intersections)	15 ft.	10 ft.
Curb radii at intersections (90°) less than 90° intersections	25 ft. 30 ft.	25 ft. 30 ft.

5. **Bases and Pavement**

a. Sub-base

The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances meeting MDOT specification 703.06 (a) for type A gravel.

b. Upper Base

The aggregate upper base course shall be sand gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances meeting MDOT specification 703.06 (a) for type A gravel.

c. Pavements

Pavement shall be a hot bituminous State of Maine approved mix when required by the Board.

6. **Gravel Surface Roads:**

The Selcct Board, in consultation with the Road Commissioner and the Board, shall review requests for gravel-surfaced roads, in reviewing requests for gravel-surfaced roads, the following requirements shall be met, in addition to all other design standards.

a. Dust from the road surface will not adversely affect adjacent properties.

b. The surface materials must support the traffic loads without detrimental deformation.

c. The surface materials must be capable of withstanding the abrasive action of traffic.

d. The surface materials shall shed rain which falls on the surface and be directed to suitable drainage areas.

e. The surface material shall possess capillary properties in amounts sufficient to replace moisture lost by surface evaporation.

7. Inspection

a. **Notification of Construction:** At least five (5) days prior to commencing road construction the applicant shall;

i. Notify the Select Board in writing of the time proposed to commence construction so that the Select Board can arrange for inspection to be made. The inspecting official shall assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall ensure the satisfactory completion of improvements required by the Board.

ii. Deposit a check in the amount of 2% of the estimated costs of inspection to the Select Board. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90% the applicant shall deposit an additional 1% of the estimated costs of construction and improvements.

b. **Noncompliance With Plan**: Upon finding that the improvements have not been constructed in accordance with the approved plans and specifications, the inspector shall report such finding in writing to the Select Board and applicant. The Select Board shall take any steps necessary to ensure compliance with approved plans.

c. **Modification During Construction**: If at any time it appears necessary or desirable to modify the required improvements before or during construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board and the Select Board. Revised plans must be filed with the Board for record.

i. For major modifications, such as but not limited to relocation of a right-of-way or changes in grade by more than 1%, the applicant must submit an amended application for review and approval by the Board.

K. Open Space Subdivisions

1. It is the policy of the Town of Roxbury to encourage the development of Open Space Subdivisions in order to preserve a sense of space, allow for forestry

operations, provide recreational land uses, preserve other resources identified in the Town of Roxbury Comprehensive Plan, and integrate new development with the traditional open and wooded landscapes of Roxbury.

This standard is intended to implement that policy by providing flexibility in road and lot layout, design, and road frontage requirements to preserve open space. The Board may waive or reduce certain provisions of this Ordinance, and other ordinances for the Town of Roxbury if permanent preservation of important open space resources are proposed through an Open Space Subdivision. These incentives are designed to encourage innovative approaches to land use development and environmental design which will promote the most appropriate use of land, preservation of permanent open space, or forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents will be accomplished.

2. An Open Space Subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates structures and accompanying uses in those areas where they have the smallest impact on identified wildlife, forest, environmental and other open space resources. Open space areas must be permanently preserved through covenants and restrictions or conservation easements upon Board approval.

3. An applicant may apply for approval of an Open Space Subdivision either after a sketch plan review of a conventional subdivision or by initially filing an application for an Open Space Subdivision. In either case, the Board shall review the application in accordance with Title 30-A M.R.S.A. section 4404 and this Ordinance.

   a. **Pre-application Procedure**

      i. Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

   b. **Application Procedure:**

      i. Required Plans: The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under this Ordinance.

   c. **General Requirements:**

      In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance and the Town of Roxbury Ordinances.

      i. **Density**:

         a. Allowable density shall be based upon the following method:

            Determine the total buildable area of the parcel by taking the total area of the parcel and subtracting the area of items I.-V. below:

I. area in a proposed right-of-way;

II. area of two or more contiguous acres with sustained slopes of 20% greater;

III. area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;

IV. area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and

V. area of the lot covered by surface waters.

Once the total buildable area is determined, divide the buildable area by the minimum lot size required to determine the number of lots permitted.

Example:
Total lot size = 10.2 acres
Area proposed in road = 0.2 acres
Buildable Area = 10.2 acres - 0.2 acres = 10 acres
Density = 10 (buildable area)/5 acres (minimum lot size) = 2 lots

ii. **Layout and Siting Standards**

In planning the location and siting of residential structures in an Open Space Subdivision, priority should be given to the preservation of natural resources. Human habitation activity must be located and sited on the least valuable natural resource portion of a parcel, taking the contours of the land and the steepness of slopes into account.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

a. In such a manner that the boundaries between residential lots and commercial forest land, and/ or wildlife habitats are well-buffered by vegetation, topography, roads or other to minimize potential conflict between residential and agricultural and forestry uses.
b. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development.

iii. **Space Standards**

a. Shore frontage and shore setback requirements shall not be reduced below the minimum lot size, shore frontage, and setback required in the Shoreland Zoning Ordinance for the Town of Roxbury.

b. The minimum building envelope per dwelling unit shall be 2 acres of lot area exclusive of area in the 100-year floodplain, areas of two or

more acres of sustained slopes greater than 20 percent, and wetland areas as defined by the Natural Resource Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the district.

c. Minimum road frontage requirements contained in other ordinances may be waived or modified by the Board provided that:

d. Any applicable provisions regarding roads in subsection 6 below are satisfied; and

e. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

iv. **Roads**

The Board shall require private roads and common driveways to comply with the design standards set forth in Section 7. J except as provided in subsection 4.a. below.

a. Travel ways and shoulders of privately-owned roads and common driveways within Open Space Subdivisions shall meet the following minimums:

I. Common driveways (serving 2 or fewer dwelling units): 16-foot travel way.

II. Roads serving 3 to 10 units: 20-foot travel way and 4-foot shoulders.

III. Roads serving 11 to 50 units: 24-foot travel way and 4-foot shoulders

v. **Open Space Requirements**

In Board review and approval of an Open Space Subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Ordinance.

a. **Open Space Uses**: On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, forested land and wildlife habitat. Open space shall be preserved and maintained subject to the following, as applicable:

I. On parcels that contain significant portions of land suited to commercial forestry, other compatible open space uses such as wildlife habitat, recreation (active or passive), and resource conservation.

II. When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in

those portions may be limited to those which are no more intensive than passive recreation.

b. **Notations on Plan**: Open space, common lands, roads or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

vi. **Homeowners' Associations or Agreements**

Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by a Homeowners' Association (HOA) or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, road or open space shall be approved by the Board and included in the deed for each lot.

L. Campground Conversion:

A campground conversion shall qualify as a subdivision under this Ordinance, and must comply with the minimum standards contained herein, including lot size.

M. Mobile Home Parks:

1. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision and shall conform to all applicable state laws and local ordinances and regulations.

2. **Lot Area and Lot Width Requirements**: Notwithstanding the dimensional requirements located in Section 7.D, lots in a mobile home park shall meet the following lot area and lot width requirements.

   i. Roxbury consists of hills and valleys. Roxbury soil characteristics require individual leach fields for each lot. This is based on soil suitability for septic systems in Roxbury. Therefore, all lots will be served by individual subsurface wastewater disposal systems and leach fields approved by the Maine Department of Human Services:

Minimum lot area:	20,000 sq. ft
Minimum lot width:	100 ft.
Minimum front setback	50 ft.
Minimum side and rear setback	25 ft.

   ii. All primary and secondary wiring and utilities will be underground type design.

iii. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 sq. ft. of total park area.

iv. Lots located within any Shore Land Zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

v. No lot in a mobile home park may have vehicular access directly onto an existing public road, unless a new road is constructed to town standards to serve the mobile home park and accepted as a public road.

3. **Road Design, Circulation and Traffic Impacts:** Roads within a park shall be designed by a professional engineer, registered in the State of Maine.

i. Roads which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for roads contained in Section 7.K. of this Ordinance.

ii. Roads which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.

Minimum right-of-way width:	23 feet
Minimum width of traveled way paved with a hot bituminous State of Maine approved mix:	20 feet

iii. The intersection of any road within a park and existing public road shall meet the following standards.

1. Angle of Intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 85 degrees.

2. Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.

3. Minimum Sight Distance. The minimum sight distance shall comply with Section 7.J.vi.iii.

4. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Oxford County Registry of Deeds and filed with the Municipality shall include the following restrictions as well as any other notes or conditions of approval.

a. The land within the park shall remain in unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within

the park.

N. Protection of Significant Wildlife Habitat

Applicants proposing to subdivide land in or within seventy-five (75) feet of significant wildlife resources or fisheries habitats identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife shall consult with a recognized wildlife or fisheries consult, or the Maine Department of Inland Fisheries and Wildlife, and provide the written comments to the Board. The Board shall consider any recommended measures to minimize impacts on said habitats, preservation measure must be noted on the Subdivision Plan and filed as deed restrictions on the affected lots.

O. Scenic Locations

The Board shall consider the existence of a scenic site or review location as identified in the Town of Roxbury Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations to minimize the negative impacts of the subdivision on such sites and reviews.

P. Recreational Trails

When the proposed subdivision contains a recreational trail, the Board may require the applicant to coordinate with local clubs to explore options for its relocation.

Q. Buffers

A one hundred (100) foot wide vegetative buffer must be maintained around the perimeter of the subdivision. The buffer must contain natural vegetation, and no principal structures may be located in the buffer.

SECTION 8. WAIVERS

A. Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular plan, it may waive any provision of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Roxbury Comprehensive Plan, or any other ordinance or law.

B. In granting any waiver, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

SECTION 9. PERFORMANCE BOND

A. Prior to approval of a Final Plan, the Board may require that the applicant file with the Board a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Town of Roxbury, or a performance bond running to the Town of Roxbury and issued by a surety company acceptable to the Town of Roxbury. The conditions and amount of such certified check or performance bond shall be determined by the Board of

the Municipality with the advice of the various Municipal Officers concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the road grading, paving, storm drainage, and utilities or other improvements specified on the plan within two years of the date of the certified check or performance bond.

B. The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the applicant can demonstrate, to the satisfaction of the Board and the Municipal Officers, good cause for such extension. Such recommendation shall be referred to the Select Board for official action.

C. Before an applicant may be released from any obligation requiring his guarantee of performance, the Board will require certification from the various Municipal Officers to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (state, federal and local codes, ordinances laws and regulations).

D. Upon approval of the Final Plan, the Board may, at its discretion, waive the requirements of a performance bond, under the condition that no lot in the subdivision may be sold and no permit shall be issued for construction of any building on any lot in the subdivision until it shall have been certified in the manner set forth in paragraph C above, that all improvements have been made. The Board shall set a reasonable completion date for said improvements, and approval of a Final Plan shall be voided if said improvements are not completed within the specified time. The Board may extend the completion date upon request from the applicant. The Board may have the option to hold the approved Final Plan until all improvements are completed in accordance with Section 7.

SECTION 10. PLAN REVISIONS AFTER APPROVAL

A. No changes, erasures, modifications or revisions shall be made in any subdivision plan after Final Plan approval has been given by the Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Board approves any modifications. In the event that the Subdivision Plan is recorded without complying with this requirement, the plan shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Select Board and the Oxford County Registry of Deeds.

SECTION 11. INITIATION AND COMPLETION OF DEVELOPMENT

A. If construction of the public improvements has not begun within two years of the approval date, the approval shall lapse, and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun, and how the applicant will begin the activity within two years from the granting of a new approval, if granted. Reapplication for approval may include information submitted in the initial application by reference.

SECTION 12. VIOLATION AND ENFORCEMENT

A. No plan of a division of land that would constitute a subdivision shall be recorded in the Oxford County 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 in a subdivision which has not been approved by the Board and recorded in the Oxford County Registry of Deeds.

C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than $100, and not more than $2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section and may collect attorneys' fees and court costs if it is the prevailing party. The Select Board, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. In considering the terms of any administrative consent agreement the Select Board shall consult with the Board. Such agreements shall not allow an illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Municipal Official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

D. Utility installations, ditching, grading or construction of roads, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the Final Plan has been approved and endorsed as provided for by this Ordinance.

SECTION 13. APPEALS

A. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

1. **Administrative Appeals**: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Board in the administration of this Ordinance.

2. **Variance Appeals**: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

B. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Board, it shall hold an appellate hearing, and may reverse the decision of the Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Board. The Board of Appeals may only review the record of the proceedings before the Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Board proceedings are inadequate, the Board of Appeals may remand the matter to the Board for additional fact finding.

C. **Variance Appeals**. Variances may be granted only under the following conditions:

1. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

2. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

3. The Board shall not grant a variance unless it finds that:

   a. The proposed structure or use would meet all dimensional requirements except for the specific provision which has created the non-conformity and from which relief is sought; and

   b. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

      i. That the land in question cannot yield a reasonable return unless a variance is granted;

      ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

      iii. That the granting of a variance will not alter the essential character of the locality; and

      iv. That the hardship is not the result of action taken by the applicant or a prior owner.

   c. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

D. **Appeal Procedure**

1. Making an Appeal

   a. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Board, except for enforcement-related matters. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

   b. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

      i. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

      ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

c. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or the Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

d. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

2. Decision by Board of Appeals

a. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

b. The person filing the appeal shall have the burden of proof.

c. The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

d. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Board.

3. **Appeal to Superior Court**. Except as provided by Title 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

4. **Reconsideration**. In accordance with Title 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, the Board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

   Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

SECTION 14. VALIDITY, EFFECTIVE DATE AND CONFLICT OF ORDINANCES

A. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.

B. This Ordinance shall take effect and be in force from and after the date of its official

adoption.

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

SECTION 15. AMENDMENTS

This Ordinance may be amended by a majority vote of a town meeting. Amendments may be initiated by a majority vote of the Board, or by request of the Select Board to the Board, or by petition of 10% of the votes cast in the last gubernatorial election. The Board shall conduct a public hearing on any proposed amendments to this Ordinance.

SECTION 16. DEFINITIONS

In general, words and terms in these regulations shall have their customary dictionary meanings more specifically, certain words and terms used herein are defined as follows:

Accessory dwelling unit: A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit can be no greater than 750 square feet.

Campground Conversion: The changing of ownership characteristic from a person, firm or corporation that operates the campground to ownership by campground users that creates individual lots or rights of use through condominium ownership or similar ownership.

Common Driveway: A vehicle access way serving two lots or dwelling.

Contour Interval; The distance in feet between contour lines.

Direct Watershed of Lake or Pond: Any land area that contributes storm water runoff either by direct surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

Driveway: A vehicle access way serving one lot or dwelling.

Dwelling Unit: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Historic Building/Site: Building and sites on the National Register of Historic Places, identified as of historic importance in the Roxbury Comprehensive Plan or in the "Publication Oxford County, Maine A Guide to its Historic Architecture, Randall H. Bennett. Oxford County Historic Survey", 1984.

Inspecting Official: An individual appointed by the Select Board to inspect roads during construction.

Lot Line: A line of record bounding a lot that divides one lot from another lot.

Lot Line, Front: The lot line separating a lot from the road right-of-way.

Lot Line, Rear: The lot line opposite and most distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear line.

Manufactured Housing Unit: Structures, transportable in one or more sections which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwelling when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home Park: A parcel of land under unified ownership designed and/ or used to accommodate three or more manufactured housing units.

Open Space Subdivision: A subdivision or development where lot sizes are reduced in return for the provision of permanent open space. The development may contain one or more multi-family dwellings, two or more duplexes, or three or more single-family dwelling units.

Open Space Subdivision Layout: A subdivision or development where lot sizes are reduced in return for the provision of permanent open space. The development may contain one or more multi-family dwelling, two or more duplexes, or three or more single-family dwelling units.

Principal structure: The structure in which the main or primary use of the lot occurs or is intended to occur.

Privately Owned Roads: A road that is not open to the public and not maintained by the Town of Roxbury and/or the State of Maine

Public Road: A road open to public use that is maintained by the Town of Roxbury and/ or the State of Maine.

River, Stream or Brook means a channel between defined banks: A channel is created by the action of surface water and has two (2) or more of the following characteristics.

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.

2. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

3. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.

5. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

6. River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Road: A vehicle way providing access to trees or more lots or dwellings capable of carrying motor vehicles. The term does not include driveways, common driveways, farm roads or logging roads.

Setback: The horizontal distance from a lot line, or a road right-of-way, to a building or structure.

Single-family dwelling: a dwelling consisting of only one dwelling unit.

Subdivision: A division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of the land or by leasing, or the division of a structure as defined in Title 30-A M.R.S.A. Section 4401, and as hereafter amended.

Substantial Change: Changes made by the applicant and not approved as part of the Preliminary Plan such as the addition or subtraction of lots, changes in road layout or design, or alterations to the drainage design.

Waiver: A formal statement to refrain from applying or enforcing a rule or requirement of this Ordinance.

Wetland: Means freshwater swamps, marshes, bogs and similar areas which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support a prevalence of wetland vegetation typically adapted for life in saturated soils; and

2. Not considered part of a great pond, coastal wetland, river, stream or brook these areas may contain small stream channels or inclusions of land that do not conform to the criteria.

GIVEN UNDER OUR HANDS THIS 10 DAY OF June, 2026:

Signed by the Select Board

Signed by the Town Clerk