Site Plan
and
Subdivision Regulations

Amended:
February 17, 2026
February 23, 2023
July 22, 2021
January 12, 2012
February 12, 2009
October 23, 2008
May 8, 2008
July 12, 2007
March 22, 2007
October 26, 2006
September 14, 2006
February 9, 2006
June 23, 2005
May 27, 2004
May 8, 2003
November 14, 2002
May 24, 2002
April 26, 2001
November 16, 2000

Adopted: October 16, 1990

The following is a true copy of the Town of York Site Plan and Subdivision Regulations, adopted October 16, 1990 and amended through February 17, 2026.

Attest: _____ 2/20/2026
Lynn Osgood, Town Clerk — Date

ARTICLE 1 ... PURPOSES & CRITERIA OF APPROVAL

1.1 PURPOSE

The purpose of these Regulations is to assure the comfort, convenience, safety, health and welfare of the people of the Town of York, to protect the environment, and to promote the development of an economically sound and stable community. These Regulations shall be administered to ensure orderly growth and development, and shall supplement and facilitate the provisions in the Comprehensive Plan, the Zoning Ordinances, and the capital budget of the Town of York.

1.2 CRITERIA OF APPROVAL

Before granting approval to any application pursuant to this code, the Planning Board must find that the proposal meets the following criteria (reference MRSA Title 30-A §4404) and shall make written findings of fact to this effect.

1.2.1 Pollution. The development will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, the availability of streams for disposal of effluents, and applicable state and local health and water resource rules and regulations;

1.2.2 Sufficient Water. The development has sufficient water available for the reasonably foreseeable needs of the development;

1.2.3 Municipal Water Supply. The development will not cause an unreasonable burden of an existing water supply, if one is to be utilized;

1.2.4 Erosion. The development will not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition results;

1.2.5 Traffic. The development 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, and if the proposed development requires driveways or entrances onto a state or state-aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23 §754, the Maine Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 §704 and any rules adopted under that section;

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

1.2.7 Municipal Solid Waste Disposal. The development will not cause an unreasonable burden on the Town's ability to dispose of solid waste if municipal services are to be utilized;

1.2.8 Aesthetic, Cultural and Natural Values. The development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fishers and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

1.2.9 Conformity with Local Ordinances and Plans. The development is in conformance with these Regulations, Zoning and other Town land use codes, and the Comprehensive Plan. In making this determination, the Planning Board is authorized to interpret these Ordinances and Plans.

1.2.10 Technical and Financial Capacity. The developer has adequate financial and technical capacity to meet the required standards;

1.2.11 Surface Waters. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

1.2.12 Ground Water. The development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

1.2.13 Flood Areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the Planning Board will determine whether the development is in a flood-prone area. If the development, or any part of it, is in such an area, the developer shall determine the 100-year flood elevation and flood hazard boundaries within the development. The proposed plan must include a condition of approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation.

1.2.14 Freshwater Wetlands. All freshwater wetlands within the proposed development have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

1.2.15 River, Stream or Brook. Any river, stream or brook within or abutting the proposed development 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 §480-B.9.

1.2.16 Stormwater. The proposed development will provide for adequate erosion and sedimentation control during construction and stormwater quality and quantity treatment after construction including maintenance of stormwater infrastructure that will remain in private ownership.

1.2.17 Spaghetti Lots Prohibited. If any lots in a proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38 §480-B, none of the lots created within the subdivision have a lot-depth-to-shore-frontage ratio greater than 5 to 1.

1.2.18 Lake Phosphorous Concentration. The long-term cumulative effects of the propose development will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed development.

1.2.19 Impact on Adjoining Municipality. For any proposed development that crosses municipal boundaries, the proposed development will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the development is located.

ARTICLE 2 ... AUTHORITY AND ADMINISTRATION

2.1 AUTHORITY

2.1.1 These Regulations have been adopted in accordance with the provisions of Title 30-A M.R.S.A., Sections 4401 through 4407.

2.1.2 These Regulations shall be known and may be cited as the "Subdivision and Site Plan Regulations of the Planning Board of the Town of York", and are hereinafter referred to as "the Regulations".

2.2 ADMINISTRATION

2.2.1 The Planning Board of the Town of York, hereinafter called "the Board", and the Code Enforcement Officer of the Town of York shall administer these standards.

2.2.2 The provisions in these Regulations shall pertain to all land within the boundaries of the Town of York proposed for subdivision as defined in these Regulations, Title 30-A M.R.S.A., Section 4401 and in the Town of York's Functional Subdivision Site Plan Review Ordinance.

2.2.3 These Regulations shall become effective on the date of adoption by the Planning Board.

2.2.4 This Ordinance may be amended by a majority vote of the Planning Board after holding 2 public hearings. Prior notice of the hearings shall be provided to the public at least 7 days prior to the hearing. At a minimum, notice shall be posted in Town Hall and published in a newspaper that has general circulation in the community.

2.3 FEES

2.3.1 The fees for Planning Board review of projects under these Regulations shall be as follows:

A. Fees shall be paid prior to an application being reviewed by staff. The amounts are as follows:

1. Sketch Plan: $450.00 per meeting

2. Subdivision: $800.00 plus $320.00 per lot and/or dwelling unit.

3. Site Plan: $800.00 plus:
   a. $320.00 per additional dwelling unit; and
   b. $0.16 per square foot of gross floor area for non-residential uses.

4. Revisions to Approved Plans: $320.00 plus:
   a. $320.00 per additional lot and/or dwelling unit for revisions to approved subdivision plans; or
   b. $0.16 per square foot of gross floor area of building expansion to a non-residential or mixed-use site plan.
   c. For a change of use, no additional fees.

Application fees shall be utilized by the Planning Department to cover any expense associated with the review of the project, including but not limited to the costs of in-house staff review, recording secretary, printing, postage, archival of records, scanning of records, posting of notices, and legal advertising. Application fees may also be utilized by the Planning Department for staffing needs associated with the Planning Department.

B. Duplicate Fees. In the event an application requires both Subdivision and Site Plan review (ie: a new multi-family building), the applicant shall pay the higher of the Subdivision or Site Plan fees, but not both.

C. Reserved.

D. Reimbursement for Outsourced Technical Assistance. The Planning Board is authorized to secure independent professional assistance to ensure proper and thorough review of applications and construction inspection of approved projects. The applicant shall pay the full cost of this professional service. Such costs shall be in addition to the application fee.

2.3.2 Fees for Inspection - Before final approval, the applicant must deposit an amount equal to 2% of the estimated cost of the required improvements (per Sections 6.4.18 and 6.4.19) with the Planning Board to pay for the costs of Town inspection of the public improvements in the project. Whenever the balance in this account is drawn down by 75% of the initial balance, the Town shall notify the applicant, and require that an additional 1% be deposited by the applicant. All further inspections by the Town Engineer and any public improvement construction except such as shall be determined by the Town Engineer or Code Enforcement Officer as being necessary to provide for public health, safety and welfare shall cease until the additional deposit is made. Any balance in the account remaining after any Performance Guarantee has been released shall be returned to the applicant. Any interest accrued shall remain with the Town.

2.4 INTERPRETATION, CONFLICT AND SEVERABILITY

2.4.1 The provisions of these regulations shall be construed as minimum requirements. More stringent provisions may be required if it is demonstrated that such are necessary to promote the public health, safety and welfare.

2.4.2 Where the conditions imposed by any provisions of these Regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of these Regulations or any other applicable law, ordinance, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

2.4.3 The provisions of these Regulations are separable. If any portion of these Regulations is declared by the courts to be invalid, the decision shall not affect the validity of the remaining portions of these Regulations.

ARTICLE 3 ... DEFINITIONS

3.1 Certain words and terms used herein are defined as follows. Any word not specifically defined here shall take on the customary dictionary definition.

3.1.1 COMPLETE APPLICATION - An application which has been reviewed by the Planning Board and found by the Planning Board to contain all the submissions required by these Regulations including the applicable fees. The Planning Board may waive the submission of required information in response to a written request submitted with the application. The Board, or other authorized agent shall issue a receipt to the applicant upon the determination by the Planning Board that an application is complete.

3.1.2 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 M.R.S.A., Sections 4301-4344, and as amended.

3.1.3 CONSTRUCTION OR DEMOLITION DEBRIS - Materials and spoil resulting from construction, remodeling, repair or demolition of structures including building materials, wall board, pipes, metal conduits, and other mixed materials, used in the construction of a building, but excluding special wastes as defined by the Department of Environmental Protection's Solid Waste Rules.

3.1.4 CONSTRUCTION ACTIVITY - Any activity on a development that results in Disturbed Area.

3.1.5 DEVELOPED AREA - Any area on which a site improvement or change is made, including but not limited to, buildings, landscaping, lawns and parking areas.

3.1.6 DISTURBED AREA - All land areas of a development that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

3.1.7 DWELLING UNIT - One or more rooms used for or arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

3.1.8 EROSION AND SEDIMENTATION CONTROL BEST MANAGEMENT PRACTICES - Schedules of activities, prohibitions of practices, maintenance procedures, and other methods, techniques, designs, and management practices to prevent or reduce the pollution of Waters of the State and to control erosion (Erosion Control BMPs) and sedimentation (Sedimentation Control BMPs). BMPs also include treatment requirements, operating procedures, and practices to control development runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3.1.9 FINAL SUBDIVISION PLAN - The final drawings on which the developer's plan or subdivision is presented to the Board for approval and which if approved will be recorded at the Registry of Deeds.

3.1.10 Qualified Erosion and Sedimentation Professional - A person who has been certified by Enviro-Cert International in erosion and sedimentation control practices or has been certified by completing the Maine Department of Environmental Protection Erosion and Sedimentation Control Practices Workshop, or is a Maine Professional Engineer with at least two years' experience in designing Erosion and Sedimentation Control Best Management Practices

3.1.11 FLOOD (100 YEAR) - The highest level of flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent change of occurring in any year).

3.1.12 HIGH INTENSITY SOIL SURVEY - A drawing prepared by a Certified Soil Scientist, licensed in the State of Maine, identifying the soil types on 1/8 acre or less at a scale consistent with the plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and depth to seasonal high water table or bedrock at that point. Soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

3.1.13 INDUSTRIAL PARK OR DEVELOPMENT - An area zoned and planned for varied industrial uses and which may be developed and managed as a unit, usually with provision for common services for the users.

3.1.14 NET DEVELOPABLE ACREAGE - The total acreage available for the Site Plan or subdivision as shown on the proposed Subdivision Plan minus: 1) the area for rights-of-way for streets, 2) other areas of rights-of-way and access, and 3) areas which are unsuitable for development as outlined in Section 7.4.

3.1.15 NORMAL HIGH WATER MARK OF COASTAL WATERS - Along the shore of all tidal waters, the Normal High Water Mark shall be determined as follows:

a. The Normal High Water Mark of Coastal or Tidal Waters shall be determined as that elevation at which vegetation changes from predominately tolerant of saltwater inundation to predominately intolerant of salt water inundation. Where vegetation is not present, the elevation shall be used from the nearest area where it can be determined by the above method.

b. Where rivers, streams or other waterbodies are still tidal but support primarily fresh water vegetation, the Normal High Water Mark of Inland Waters shall be used.

c. In the event that it is not possible to determine the Normal High Water Mark in the above manner, the elevation of the average of the highest predicted tidal levels each year for York for the most recent 19 year tidal epoch shall be used. For the 1960-1978 tidal epoch the elevation used shall be 10.8 feet above Mean Low Water (MLW) which is equivalent to 6.9 feet above National Geodetic Vertical Datum (NGVD), based on current tidal benchmark sheets available from the National Ocean Service.

This elevation may be measured relative to the N.O.S. benchmark 8419518 York, Maine, or relative to NGVD. Since data indicates that tidal elevations are rising in this area, the tidal datum are updated based on 19 year tidal epochs, the elevation used shall reflect the most recent tidal epoch, and current Tidal Benchmarks and tidal datum information should be obtained from the National Ocean Service (U.S. Department of Commerce/NOAA).

All measurements from the Normal High Water Mark shall be made horizontally and all setbacks shall be laid out parallel to the High Water Mark.

3.1.16 NORMAL HIGH WATER MARK OF INLAND WATERS - That elevation on the shores and banks of ponds, great ponds, rivers, streams and inland or freshwater wetlands, which is apparent because of the prolonged action or presence of the water. Relative to vegetation, it is that elevation where the vegetation changes from predominately aquatic or wetland species to predominately upland or non-wetland species. In places where the shore or bank is of such character that the high water mark cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks) the normal high water mark elevation shall be measured from the nearest area where it can be determined by the above method.

3.1.17 PERSON - Includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

3.1.18 PLANNING BOARD - The Planning Board of the Town of York.

3.1.19 PRELIMINARY SUBDIVISION PLAN - The preliminary drawings indicating the proposed layout of the subdivision and other supporting documentation as required by Section 6.3 to be submitted to the Planning Board for its consideration.

3.1.20 PUBLIC IMPROVEMENTS - Any aspect of the Final Plan that is imposed by the Planning Board for the public good, including but not limited to roads, sidewalks, curbs, drainage, detention ponds, erosion and sedimentation control, water lines, sewer lines or any other means of sewage disposal, hydrants, fire ponds, dry hydrants, required landscaping, parks and recreation areas, electrical and telephone service, and street lighting.

3.1.21 REVISION TO AN APPROVED PLAN - The division of any lot in an existing subdivision, or any change of an approved plan which affects any lot line, lot size, the location of any street, or any revision to any aspect of the plan that is under the jurisdiction of the Planning Board.

3.1.22 SITE PLAN (MAJOR) - Any non-residential development in which 10,000 square feet or more of floor space is developed or constructed within a five year period.

3.1.23 SITE PLAN (MINOR) - Any non-residential development in which less than 10,000 square feet of floor space is constructed within a five-year period.

3.1.24 STREET - Public and private ways designed for the passage of motor vehicles such as avenues, boulevards, highways, and roads, and their associated rights-of-way. Due to the similarity of the two terms, the terms "road" and "street" are used interchangeably in these Regulations and are intended to have the same meaning.

STREET CLASSIFICATION

Streets serve two primary functions: to provide access from adjacent properties onto the transportation system, and to facilitate the movement of vehicles from one place to another. Streets are classified based on their balance between these two functions, as follows:

Arterial Street. A major thoroughfare which serves as a major traffic way for travel between and through towns. The primary function of the arterial street is traffic movement. Access to adjacent properties is limited, or in some cases prohibited.

Collector Street. A large street that collects traffic from minor streets and forms an integral part of the overall street network. The primary function of the collector street is a balance between traffic movement and property access. Access to adjacent properties is allowed.

Minor Street. Also referred to as Local Street. A street designed to provide access to adjacent properties and to discourage through traffic. The primary function of the minor street is property access.

3.1.25 SUBDIVISION - The definition of Subdivision in these Regulations shall be that in place in State law, specifically Title 30-A §4401.4.
NOTE: The terms "Site Plan", "subdivision", and "development" may be used interchangeably throughout these Regulations.

3.1.26 SUBDIVISION (MAJOR) - Any subdivision in which more than four (4) lots are created or more than 4 dwelling units are created within a five-year period.

3.1.27 SUBDIVISION (MINOR) - Any subdivision in which not more than four (4) lots are created or in which not more than 4 dwelling units are created within a five year period.

3.1.28 TOWN - The town of York, Maine.

3.1.29 TOWN ENGINEER - Any engineer or engineering firm with which the Town has contracted to provide engineering services for assistance with the review of applications and construction inspections.

3.1.30 TRACT OR PARCEL OF LAND - All contiguous land in the same ownership, whether or not the tract is separated at any point by: 1) an intermittent or non-navigable stream, or 2) tidal waters where there is no flow at low tide.

3.1.31 WOODWASTES - Uncontaminated brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash and sawdust.

ARTICLE 4 ... STANDARDS FOR SUBMITTALS, PLAN SHEETS AND REPORTS

4.1 SIZE

Based on size limits of the Town's flat files and document scanners, sheet size shall not exceed 24" by 36."

4.2 MATERIAL

All plans provided to the Board shall be printed on paper, except as required for approval sheets (see §4.8).

4.3 BASIC INFORMATION

All plans shall include the following information.

A. Title Block. The title block shall indicate:
   1. Title of the sheet.
   2. Project name, if applicable.
   3. Name of the property owner.
   4. Name of the developer, if other than the owner.
   5. Property address, including Town and State.
   6. Name and address of the person or company that prepared the sheet.

B. Scale. The scale of the plan shall be indicated in text and graphic form.

C. North Arrow.

D. Dates. On each sheet, the original date of preparation shall be indicated, along with the date and nature of subsequent revisions.

4.4 MULTIPLE SHEETS

Where the size of the property and scale of the plan require multiple sheets, match lines shall be provided.

4.5 SCALE

The scale of plans shall be suitable for the type of application and the size of the property. The plans must strike a balance between detail and overview. In general, Site Plans should be at a scale of 1" = 40' and Subdivision Plans should be at a scale of 1" = 100'. The plan of a building facade shall be scaled to fit on a single sheet. The Board may require plans drawn to specific scales if it experiences difficulty reading or interpreting scales other than those listed in this section.

4.6 AREA OF COVERAGE

Plans submitted pursuant to these Regulations shall depict the entire area and boundary of the property. However, the Board may allow a plan that depicts only a portion of the property if the Board finds the area of plan coverage is adequate for the development or change proposed.

4.7 PROFESSIONAL CERTIFICATION

Submittals, plan sheets and reports shall be prepared by Maine-licensed professionals where required by State or Town law, and shall be certified by stamp and signature of the license-holder prior to submittal to the Town. At a minimum, the following shall apply:

A. Professional Land Surveyors. A Maine-licensed Professional Land Surveyor (PLS) shall prepare all boundary surveys and existing conditions plans.

B. Professional Engineers. A Maine-licensed Professional Engineer (PE), with appropriate expertise and/or specialization, shall prepare all plans dealing with the design of physical alteration of and/or improvements to the site. The PE may also prepare building plans in lieu of having such plans prepared by an Architect where this practice is permitted by State law.

C. Architects. A Maine-licensed Architect shall prepare all plans representing the physical as required by State law showing alteration of existing buildings or construction of new buildings, except where such plans may be prepared by a PE as permitted by State law. Note that this includes all technical drawings including building façade plans.

D. Landscape Architects. Unless noted elsewhere in these Regulations, a Maine-licensed Landscape Architect is not required to prepare landscape plans. However, any plan prepared by a Maine-licensed Landscape Architect must be properly certified.

E. Soils Scientists. All soils maps and reports shall be prepared by a Maine-certified Soil Scientist. This shall not apply to plans which depict soils data derived solely from the York County Soils Survey.

4.8 APPROVAL SHEETS

In addition to other standards, the sheets which the Planning Board will sign to indicate its approval of an application shall also meet the following requirements:

A. The complete set of plans to be signed shall be printed on mylar.

B. Each sheet in the plan set shall be signed in accordance with the following:

1. Full Board. There shall be an approval block on the plan sheet(s) that depicts the proposed design and the Plan Notes, for the signature of Board members:
   a. The title shall be, "Approval of the Planning Board of York, Maine."
   b. There shall be 5 signature and date lines. The first line shall be labeled "Chair" under the line and is to be signed by the Chair only.
   c. A note at the bottom of the block that states, "The signatures of 3 or more Planning Board members indicate approval of this plan."

2. Chair Only. There shall be a signature block on all sheets not signed by the Board, and this shall be used for the Chair only to sign to indicate original sheets in the approved plan set.

3. Town Departments. The following departments may be required to review the application, offer comments to the Planning Board, and sign the plans to indicate they have reviewed the plan. Their input does not constitute an approval or denial. The sheet that depicts the proposed design and that is signed by the full Board shall also include a sign-off block for the York Police Department, York Village Fire Department or York Beach Fire Department, and York Public Works Department. The following shall be required:
   a. The title shall be, "Town Department Reviews"
   b. There shall be a signature and date line for each Department required to review the application.
   c. A note at the bottom of the block that states, "This application has been reviewed by these departments, which have offered comments to the Planning Board."

4. Water and Sewer Districts. For applications that will connect to municipal water and/or sewer systems, approval of these independent quasi-municipal districts is required. The sheet that depicts the proposed design and that is signed by the full Board shall also include a sign-off block for the utility district(s) involved. The following shall be required:
   a. The title shall be, "Utility District Approvals."
   b. There shall be a signature and date line for each District to indicate its approval of the application.
   c. A note at the bottom of the block that states, "This application has been reviewed and approved by the utility districts, as indicated by the signature of their superintendents."

C. Plan notes shall be provided to document the nature, terms and conditions of approval, including at a minimum, the following:

1. A list indicating the title and most recent date of revision for all supplemental sheets in the plan set.
2. Reference to all existing and proposed easements, covenants and deed restrictions.
3. Indication of the base zoning district(s), any applicable overlay zoning districts, and any other applicable regulatory designations.
4. List of all waivers granted by the Planning Board.
5. Other as required by the Board, including but not limited to notes that impose restrictions, limitations or other requirements.

ARTICLE 4-A ... SITE PLANNING FOR TEMPORARY EVENTS

4.1 APPLICABILITY

Temporary non-residential private activities which require 25 or more parking spaces shall require Site Plan approval from the Planning Board as a Temporary Event. Temporary events shall include one-time-only events, and regularly recurring events which occur not more than annually. In either case, duration of a temporary event shall not exceed 3 days. Temporary events shall be reviewed under the standards of this Article, and shall not be subject to other provisions of these Regulations.

4.2 PROCEDURES

The application review process shall follow the procedures for a minor Site Plan review with concurrent preliminary and final review, as described in Article 5.

4.3 SUBMITTAL REQUIREMENTS

An application shall provide 10 copies of an application packet. Each packet shall include the following information:

A. Site Sketch. The applicant shall provide a sketch of the proposed site layout for the temporary event. This sketch shall also show the relationship to neighboring properties and roads.

B. Aerial Photograph. The applicant shall utilize the computer mapping available on the Town's web page (www.yorkmaine.org, and find links to "GIS Maps") to show an aerial photograph of the site. This may be a black & white photocopy of such a photograph. The approximate location and orientation of the site sketch shall be sketched onto this photo.

C. Project Narrative. The applicant shall prepare a written description of the proposed temporary event, to include the following:

1. Describe the event, including anticipated attendance.
2. Date(s) of the event.
3. Proposed hours of operation.
4. Description of applicable Town ordinances and regulations (Zoning Ordinance, Noise Ordinance, etc.) and how this event will comply with all such codes.
5. Impact mitigation for:
   a. parking for the anticipated number of vehicles;
   b. pedestrian safety;
   c. traffic control plan approved by the Chief of Police;
   d. trash disposal and recycling;
   e. toilet facilities, including potable water;
   f. noise control;
   g. site restoration; and
   h. other as may be deemed applicable to the circumstances by the Board.
6. Document contact with the Police Department and Fire Department for their review of public safety concerns.

4.4 CRITERIA FOR APPROVAL

An application may be approved, approved with conditions, or denied. This decision shall be based on compliance with the following criteria:

A. The Board finds the applicant's submittals accurately represent the activity proposed.

B. The Board finds the event is temporary only, as defined in Section 1.

C. The Board finds the proposed use(s) or activities will not violate any applicable Town ordinance or regulations.

D. The Board receives written approval from the Chief of Police and the appropriate Fire Chief.

E. The Board finds the applicant has proposed adequate mitigation of likely adverse impacts.

ARTICLE 5 ... APPLICATION PROCEDURE

5.1 GENERAL

5.1.1 If the tract of land containing a proposed development lies in more than one town, York Planning Board approval of that project is required in addition to any review that is required by the neighboring municipality. This provision shall not apply if there are to be no improvements and no impacts on the portion of the property which lies within the Town of York. Arrangements for the joint, or coordinated review of the project should be established with the Planning Department at the start of the project.

5.1.2 Application to the Town. Each applicant shall complete a standard application form provided by the Town prior to appearing before the Planning Board. For purposes of administration and enforcement of this regulation, the owner of the property shall be considered the applicant.

5.1.3 Number of Active Applications. There shall be no more than one active Planning Board application on a property at any time. An application shall be considered active beginning at the initial submittal of an application, and shall end when the Planning Board reaches its final decision on the application and either: 1) if no appeal is filed per §13.1, when the appeal deadline expires, or 2) if an appeal is filed per §13.1, when all activity relating to the appeal is completed and the matter is resolved.

5.1.4 In order to avoid unnecessary delays in processing applications for review, the Planning Board shall prepare an agenda for each regularly scheduled meeting. The agenda shall be written and posted one week before the regularly scheduled meeting.

5.1.5 Approval Required Prior to Site Work. Prior to land clearing, site preparation, construction or other such activity begins on a site, approval under these Regulations shall be required. Subsequently, all such activity shall be in accordance with the approval.

5.2 PROCEDURE FOR SKETCH PLAN

5.2.1 Submission of sketch plan requirements (Section 6.1) to the Planning Department or Planning Board. If an application is reviewed by the Board, 7 paper copies and an electronic copy (PDF) of all submittals are required unless additional paper copies are requested by the Planning Department.

5.2.2 Review of submissions of Sketch Plan by Code and Planning Department within thirty (30) days of submission date. The Code and Planning Department will advise the applicant as to which Ordinances/Regulations apply to the project. The Department shall determine if a Sketch Plan for a Subdivision or Site Plan shall be subject to review by the Planning Board. The purpose of Board review of a Sketch Plan is to allow the Board to ask questions and make suggestions to be incorporated by the applicant into the application.

5.2.3 The Code and Planning Department shall notify owners of abutting property, including property located directly across a street, by first class mail of any Sketch Plan application scheduled for review by the Planning Board. This notice shall be sent a minimum of seven days prior to the Board meeting, and shall include the location and a general description of the proposed project, and the date, time and place of the meeting. When the development abuts another municipality, or involves land within another municipality, the Department shall also notify both the Town Clerk and the Planning Board of that municipality.

5.2.4 The Planning Board may choose to conduct a public hearing on the Sketch Plan application. Notice of the hearing to abutters shall be provided as stipulated in Section 5.2.3. Notice of the hearing shall be published in a newspaper of general circulation at least one time and at least seven days prior to the hearing and shall be posted in Town Hall.

5.2.5 The submission or review of the Sketch Plan by the Code and Planning Department or Planning Board shall not be considered the initiation of substantive review for the purposes of bringing the Plan under the protection of Title 1, M.R.S.A., Section 302. The applicant shall obtain no vested rights by submittal or review of a Sketch Plan.

5.3 PROCEDURE FOR PRELIMINARY PLAN

5.3.1 A minor subdivision or Site Plan may opt to submit all the information required for a Preliminary and Final Plan in one step. A major subdivision must follow the two-step process, unless waived by the Board.

5.3.2 The applicant must submit 7 paper copies of requirements and an electronic copy (PDF) of requirements for the Preliminary Plan to the Planning Department unless the Planning Department requests additional paper copies. The Planning Department will review the application to determine if all necessary items were submitted. When the staff review documents that a submittal was incomplete, subsequent reviews by staff may be postponed until all other pending applications are reviewed. This review shall not constitute a substantive review of the content of the submissions. When the Planning Department determines that all necessary submissions have been made, a dated receipt shall be issued and the project shall be placed on a Planning Board agenda within 30 days.

5.3.3 The Code and Planning Department shall notify owners of abutting property including property located directly across a street by first class mail that the application has been submitted. This notice shall be sent a minimum of 7 days prior to the Board meeting and shall include the location and a general description of the project and date, time and location of the Planning Board meeting. When the development abuts another municipality, the Department shall also notify both the Town Clerk and the Planning Board of that municipality.

5.3.4 Reserved

5.3.5 The applicant, or his duly authorized representative shall attend the meeting of the Planning Board to discuss the Preliminary Plan.

5.3.6 The Board will review all submissions and make a written determination as to whether the application is complete. If the Preliminary Plan application is found to be incomplete, the Planning Board will notify the applicant in writing and specify the additional material needed to complete the application. Substantive review shall not take place until the Planning Board makes a formal vote to accept the Preliminary Plan application as complete. When the Board determines the application is complete, it will take a formal vote to "accept" the Preliminary Plan thus determining the application to be a complete application (see Section 3.1.1). The board or other authorized agent will issue a receipt to the applicant upon the determination that an application is complete. A formal vote by the Planning Board to "accept" the complete application will bring the plan under the protection of Title 1, M.R.S.A., Section 302.

5.3.7 The Planning Board will conduct a public hearing on a Preliminary Plan application. The hearing shall be held within 30 days of the Board's acceptance of a complete application, unless an extension is agreed to by both the Planning Board and the applicant. The Board shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality, at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing and post the notice in at least three (3) prominent places at least seven (7) days prior to the hearing. Notice of the hearing to abutters shall be provided as stipulated in Section 5.3.3.

If any portion of a development is located within 500 feet of a municipal boundary, the Planning Board will notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten (10) days prior to the hearing. If the Site Plan or subdivision is located in more than one municipality, the Board may have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan. Comments and recommendations

made by the Planning Board of the adjacent municipality shall be given due consideration in the deliberations and decision-making process of the York Planning Board.

5.3.8 Within thirty days of a public hearing, or if no hearing is held, within sixty days of determination by the Board that there is a complete application, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make Findings of Fact on the application, and approve, approve with conditions, or deny the Preliminary Plan application. The Board shall specify, in writing, its Findings of Fact and reasons for any conditions or denial.

5.3.9 When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to: a) the specific changes which it will require in the Final Plan; b) the character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare and, c) the construction items for which cost estimates and performance guarantees will be required as a prerequisite to approval of the Final Plan.

5.3.10 Approval of the Preliminary Plan does 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 to be used as a guide to preparation of the Final Plan. Prior to the approval of the Final Plan, the Board may require additional information be submitted and changes in the Plan be made as a result of further study of the proposed development from new information received.

5.4 PROCEDURE FOR FINAL PLAN

5.4.1 The applicant shall, within six months after the approval of the Preliminary Plan, submit to the Planning Department 7 paper copies of a complete application and an electronic copy of a complete application (PDF) for approval of the Final Plan unless the Planning Department requests additional paper copies.

5.4.2 The Final Plan shall approximate the layout shown on the Preliminary Plan, including changes required by the Board, and address all submission requirements for a Final Plan stipulated in Regulation 6.4. The Code and Planning Department shall review the application to determine if all required information has been submitted. When the staff review documents that a submittal was incomplete, subsequent reviews by staff may be postponed until all other pending applications are reviewed. If a Plan includes all necessary submissions, the Department shall issue a dated receipt and schedule it for review by the Planning Board within thirty (30) days. If a complete application for the Final Plan is not submitted within six (6) months after Preliminary Plan approval, the Board shall require submission of the Preliminary Plan, or may grant an extension to the submission deadline. An extension must be requested in writing by the applicant prior to the expiration of the filing period. In considering the request for an extension, the Board shall make findings that the applicant has made due progress in preparing the Final Plan and in pursuing approval of Plans before other agencies, and that municipal ordinances or regulations which may impact the proposed development have not been amended.

5.4.3 The Code and Planning Department shall notify all parties who received notice of the Preliminary Plan application by first class mail that a Final Plan application has been submitted. This notice shall be sent a minimum of seven (7) days prior to the Board meeting and shall include the location and a general description of the project and the date, time, and location of the Planning Board meeting.

5.4.4 The Board will review the Final Plan submissions and make a written determination as to whether the application is complete. Substantive review shall not take place until the Planning Board makes a formal vote to accept the Final Plan application as complete. If the Final Plan application is found to be incomplete, the Planning Board will notify the applicant in writing and specify the additional material needed to complete the application. When the Board determines that the application is complete, it will take a formal vote to "accept" the Final Plan, thus determining the application to be a complete

application (see Section 3.1.1.). The Board, or other authorized agent will issue a receipt to the applicant upon determination that an application is complete.

5.4.5 After the Planning Board has made a formal vote to accept the Final Plan application as complete, the Plan will be forwarded to the Town Engineer for review. The Town Engineer shall verify that all information has been correctly presented, and that the technical aspects of the plans are in compliance with these Regulations.

5.4.6 The Planning Board shall conduct a public hearing on Final Plan application within thirty (30) days after the Planning Board accepts the complete application for the Final Plan. Notice of this hearing shall be advertised in a newspaper of local circulation at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing and shall be posted in at least three (3) prominent places at least seven (7) days prior to the hearing.

5.4.7 Before the Board grants approval of the Final Plan, the applicant shall meet the performance guarantee requirements contained in Article 10, and shall pay the inspection fee required in Section 2.3.2.

5.4.8 The applicant is responsible for obtaining all necessary approvals or permits required. Final approval of the Final Plan shall be granted upon determination that all required approvals and permits from agencies other than the Town of York have been obtained, and advisory opinions have been received per §6.4.5.

5.4.9 The Board, 1) within thirty days from the public hearing, or 2) if no hearing is held, within sixty days of receiving a complete final application, or 3) within another time limit as may be otherwise mutually agreed to by the Board and applicant shall make Findings of Fact and conclusions of law relative to the standards contained in Title 30-A M.R.S.A. Section 4404 and in these Regulations. If the Board finds that all standards of the Statute and these Regulations and the Zoning Ordinances have been met, it shall approve the Final Plan. If the Board finds that any of the standards of the Statute, of these Regulations, or of the Zoning Ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards shall be met by the development. Conditions precedent shall be met by the applicant within one year or the approval shall lapse. The reasons for any conditions shall be stated in the record of the Board. Failure of the Board to act upon the plan shall not constitute approval of the plan.

5.5 FINAL APPROVAL AND FILING

5.5.1 No Plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the Town or in violation of Town of York Zoning Ordinances.

5.5.2 Upon voting to approve the application the Board shall sign the Final Plan mylar, and the Chair shall sign all supplemental sheets. The Final Plan set shall be on mylar or other reproducible original for the Board's approval.

5.5.2.1 Subdivision Plans shall be filed by the applicant in the York County Registry of Deeds per their filing requirements. Four paper prints of the signed plan, with the Registry of Deeds official recording stamp along with one electronic copy (PDF) shall be returned to the Planning Department; three printed copies for use in the Planning Department and one copy for the Town Tax Assessor. Any Subdivision Plan not recorded in the Registry of Deeds and returned to the Planning Department within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

5.5.2.2 Site Plans shall be returned to the applicant. Four paper prints of the signed plans along with one electronic copy (PDF) shall be returned to the Planning Department; 3 printed copies for use in the Planning Department and one copy to the Town Tax Assessor. Any Site Plan not returned to the Planning Department within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void. Site Plans filed with the York Country Registry of Deeds shall follow the procedure outlined in §5.5.2.1.

5.5.3 At the time the Board grants Final Plan approval, the Board shall address phasing of the subdivision as required in §7.30.

5.5.4 No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board, unless the revised final Plan is first submitted and the Board approves any modifications. The Board shall make findings that the revised plan meets the standards of Title 30-A M.R.S.A. Section 4404, and these Regulations and all applicable Town Ordinances. If a revised Plan is recorded without complying with this requirement, it shall be considered null and void and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

5.5.5 Except in the case of a phased Subdivision Plan, failure to commence substantial construction of a Site Plan or subdivision within three years of the date of approval and signing of the Plan shall render the Plan null and void. Grading and earthmoving alone shall not constitute substantial construction. Substantial construction shall not be deemed to have taken place until the applicant has constructed improvements that use 25 percent of the materials needed for required public improvements. Upon determining that a Site Plan or subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Registry of Deeds to that effect.

5.6 REVISIONS TO APPROVED PLANS

5.6.1 If the revision involves revisions to these items normally submitted under the Preliminary Plan phase, the procedures for a Preliminary and Final Plan approval shall be followed. If the revision involves revisions to items normally submitted under the Final Plan phase, without the creation of additional lots or dwelling units, only the procedures for Final Plan approval shall be followed.

5.6.2 The applicant shall submit a copy of the approved plan, as well as the ten copies of the proposed revisions. The application shall also include supporting documentation for any and all aspects of the revised plan that fall under the jurisdiction of these Regulations. All submissions shall be in the format described in the Submissions sections of these Regulations (Article 6.3 and 6.4).

5.6.3 The Board's scope of review shall be limited to 1) those portions of the plan which are proposed to be changed and 2) other areas affected directly or indirectly by the change. The Board will review the application to make a determination as to if the proposed revisions meet the standards of these Regulations and other applicable Codes and Ordinances.

5.6.4 Any revisions to the original plan must be recorded in the Registry of Deeds, pursuant to 30-A M.R.S.A., Section 4407, after approval by the Board.

5.6.5 Field Changes. Minor changes made to previously approved Site Plans or Subdivisions may be presented to the Planning Board for approval as Field Changes. Items that qualify as Field Changes include:

- color/material change to a building if these aspects of the building were specified in the original approval;
- minor grading changes that do not alter the drainage patterns or capacity of the site;
- planting substitutions that are equivalent in number and buffer effectiveness;

- changes to approved outdoor lighting fixtures that have been reviewed and approved by the Planning Board; and
- other similar minor changes that do not substantially alter a prior approval.

None of the following shall be considered as Field Changes:

- Changes that significantly reduce approved buffering or landscaping;
- any change that involves a condition that was part of a previous conditional approval;
- any increase in the number of subdivision lots;
- any alignment or material change to a public or private road and their rights of way previously reviewed as part of a Site Plan or Subdivision;
- any change to traffic circulation that effects safety;
- any change that negatively effects the approved stormwater management plan for the property;
- any significant change to site layout such as building placement and building footprint;
- and any increase in wetland impact.

During construction, the applicant may propose Field Changes necessary to correct minor construction-related errors on the design plans or to account for unexpected site conditions. Field changes shall be prepared in writing and certified by the applicant's professional engineer (or other design professional where appropriate). The Board shall have the authority to approve or deny the Field Change, or determine it constitutes a revision to an approved plan (see §5.6.1-3). Field Changes proposed after completion of construction and granting of Final Occupancy shall be submitted prior to the change being implemented. These changes shall also be accompanied by a statement from a design professional where appropriate, as to the need for the change, and its impact to the site. Any work completed prior to Planning Board approval is undertaken at the applicant's own risk; work based on a Field Change that is denied shall be removed. This policy shall be reflected in the plan notes (see §4.8.C.5), and any approved field changes shall be acknowledged in the professional certifications (see §11.1). All Field Changes shall be reviewed at the next scheduled Planning Board meeting.

5.7 PUBLIC ACCEPTANCE OF STREETS, RECREATION AREAS

5.7.1 The approval by the Planning Board of a Site Plan or Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such plan.

5.7.2 When a park, playground, or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute or be evidence of, an acceptance by the Town of such areas. The Planning Board shall require the Plan to be endorsed with appropriate notes to that effect. The Board may require the filing or a written agreement between the applicant and the Board of Selectmen covering future deed and title, dedication, and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

5.8 SITE VISITS

The Planning Board may conduct a site visit for any application made to the Board. The following standards shall apply to all site visits.

A. The purpose of the site walk is solely to familiarize people with the physical conditions of the site, and to understand the development concepts contained in the application.

B. A site visit is a public meeting. As such, the Board shall:
   1. provide advance notice to the applicant, abutters and the public;
   2. permit anyone interested to attend the site visit; and

3. shall reflect the following information about the site walk in the minutes of their next regularly scheduled meeting: date, time, place, members in attendance.

C. Because of the difficulty in keeping a large group together and focused on a single conversation during a site walk, the Board shall not engage in substantive review or discussions about the application during the site walk. The Board shall not make decisions about the application during the site walk.

5.9 EX PARTE CONTACT

Members of the Planning Board shall not discuss applications with any involved party (applicant, property owner, developer, neighbor, opponent, supporter, interested citizen, etc.) except at Planning Board meetings. This is a legal requirement to ensure the Board members remain neutral until all information is presented, to ensure that all Board members receive the same input from all interested parties, and to ensure that all information presented to the Board is subject to cross examination by people with different opinions.

5.10 SUBMITTAL OF SUPPLEMENTAL INFORMATION

When submitting supplemental information in advance of a Board meeting, the applicant shall submit complete materials a minimum of 17 days in advance of the meeting at which the application will be heard. Information submitted after this deadline shall not be considered by the Board at the meeting.

ARTICLE 6 - SUBMISSIONS

6.1 SUBMISSIONS FOR SKETCH PLAN

6.1.1 The Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed development, unless the proposed development is less than ten acres in size.

6.1.2 Any information that will help describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above shall also be submitted. This information shall include, but not be limited to, data on existing covenants, medium intensity soil survey, available Town facilities and utilities, information describing the development proposal such as number of lots, their principal lots, typical lot width and depth, playgrounds, park areas and other public areas, proposed protective covenants, a description of the proposed stormwater drainage plan, proposed utilities and street improvements.

6.1.3 For any conceptual review requested by an applicant, the application shall include payment of the application fee as specified in §2.3. Fees for conceptual reviews shall be paid on a per meeting basis, and are separate from and in addition to fees paid for the preliminary/final application.

6.2 GENERAL

6.2.1 The Planning Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a Minor Site Plan or Minor Subdivision comply with all or any of the requirements specified for Major Plans.

6.2.2 In Section 6.3 Submissions for Preliminary Plan and Section 6.4 Submissions for Final Plan, those items marked MAJOR are only required for a Minor Plan upon request by the Planning Board.

6.2.3 The developer of a Minor Site Plan or Minor Subdivision application may elect to submit the Preliminary and Final Plans simultaneously. All major plans must go through the two-step process.

6.3 SUBMISSIONS FOR PRELIMINARY PLAN

A complete Preliminary Plan shall include the following:

6.3.1 Reserved.

6.3.2 A boundary survey of the entire property. The boundary survey shall indicate the following information:

A. distances, deflection angles, curve radii, arc lengths, control angles, monument locations and other necessary survey data;

B. the names of all abutters, including map and lot numbers;

C. roads, rights-of-way, and intersections within 50′ of the lot;

D. location and nature of easements of record, deed restrictions, and covenants;

E. references to deeds, earlier surveys, prior approvals, and other pertinent information as determined by the surveyor; and

F. locus map sufficient to orient the Board as to the location of the property within the Town.

6.3.3 An existing conditions plan depicting conditions on the property in its pre-application condition, which at a minimum shall include the following information:

A. Physical environment on the property, including:
1. size and road frontage of the property;
2. elevation contours at 2' intervals referenced to NAVD of 1988;
3. surface waters and wetlands;
4. vegetation in general, specifically noting any trees larger than 24" in diameter at breast height;
5. ledge outcroppings;
6. land deemed not suitable for development per §7.4.1;
7. areas with a high water table or seasonal high water table as defined in §7.4.2;
8. a description of stormwater effecting the property that originates from abutting properties and by what means the stormwater is conveyed, whether by streams, swales, culverts or other sources; and
9. a description of existing drainage conditions on abutting downstream lots.

B. Existing development and improvements on the property, including buildings, wells, septic systems, water lines, sewer lines, drainage facilities, utilities, driveways, parking lots, sidewalks, stone walls, fences, cemeteries, and other such improvements, with description of uses and sizes as applicable.

C. The approximate location of property boundaries, buildings, wells, septic systems, wetlands, surface waters, driveways, roads and intersections within 100' of the property.

D. Regulatory constraints affecting the property, including:
1. Town boundaries;
2. base zoning districts, and boundaries if applicable;
3. overlay zoning districts and boundaries, as applicable;
4. regulatory boundaries from other Town, state or federal laws, including but not limited to the Floodplain Management Ordinance, Well Ordinance, and Wireless Communications Facilities Ordinance; and
5. setback requirements applicable to the property.

6.3.4 The location of all natural features or site elements to be preserved shall be depicted on the plan.

6.3.5 Impact Statements - The developer shall submit an impact statement which describes the impact of the proposed development on the community as a whole, and specifically on the following areas:
a. water supply for domestic consumption;
b. water supply for fire protection;
c. wastewater treatment and disposal;
d. police, fire and ambulance services;
e. stormwater management, with particular attention to watersheds that experience flooding at this time, with reference to culverts, streets, swales and retention areas;
f. transportation systems, focusing especially on anticipated traffic impacts on the street network near the project;
g. on-site parking, and potential for off-site parking impacts;
h. water quality;
i. environmental quality;
j. historic and archeological resources;
k. anticipated fiscal impacts on the Town and district capital and operating budgets;

l. scale of the project in terms of the expected number of residents, number of employees, size of buildings, and amount of impervious surface;
m. for applications with residential uses, address impacts on public school enrollment and bussing; and
n. for applications with residential uses, address impacts on public recreation facilities and services.

The information provided shall be utilized by the Board to evaluate the need for off-site improvements and impact mitigation by the applicant.

6.3.6 A plan showing the proposed development, showing the general arrangement of streets, lots, parking lots, buildings, storm water drainage systems, utilities and similar features.

6.3.7 A grading and landscape design plan which meets the requirements of §7.3.

6.3.8 A copy of the Initial Assessment of traffic impacts, where required per Zoning Article 15-A, and documentation this has been submitted to the Public Works Director for review.

6.3.9 A copy of the most recent deed for the property, and the source deed if the current deed differs from the source deed.

6.3.10 Proof of ownership or if the developer is not the owner of the property, evidence of the developer's right, title or interest to the property shall be submitted.

6.3.11 A copy of all easements, rights-of-way, or other encumbrances currently affecting the property shall be submitted.

6.3.12 Phosphorous Pollution. Where a proposed development is located within the watershed of a great pond, the applicant shall provide information required to assess compliance with §1.2.18 and §7.27.

6.3.13 Scenic Resources. Provide information to identify any scenic resources identified and recommended for protection in the Comprehensive Plan, as addressed in §1.2.8 and §7.28.

6.3.14 Regarding historic and archaeological resources, the following information shall be provided:

A. The applicant shall identify any of the following on the property or within 500' of the property:
1. Local Historic Districts or Landmarks;
2. National Historic Districts;
3. Properties listed on the National Register of Historic Places; and
4. Cemeteries or family burial plots.

B. The application shall include written documentation from the York Historic District Commission (HDC) regarding the presence of any known or suspected historic resources on the property, and on the potential impact of this project on any resources identified in §6.3.14.A (above). The application shall include written documentation from the Maine Historic Preservation Commission (MHPC) regarding the presence of any known or suspected archaeological resources on the property, and on the potential impact of this project on any resources identified in §6.3.14.A (above). In the event historic or archaeological resources are or may be located on the property, the application shall be accompanied by an analysis from a qualified expert that describes the resources, outlines the significance of the resources, and provides options for the conservation of the resources.

6.3.15 Provide a map of sufficient scale to identify the location of the applicant's property with respect to watersheds in the Town. A map of the 8 major watersheds is found in the

Natural Resources Chapter of the Inventory & Analysis Section of the Comprehensive Plan, and this may be used as a base.

6.3.16 Identify the location of the applicant's property with respect to Undeveloped Habitat Blocks, High Value Plant and Animal Habitats, and Focus Areas of Ecological Significance as mapped by the Maine Department of Inland Fisheries and Wildlife's Beginning With Habitat program. Where the property is found to be located within an Undeveloped Habitat Block of 500+ acres, coincides with any habitat identified on the High Value Plant and Animal Habitats map, or falls within the Mount Agamenticus or Greater Brave Boat Harbor/Gerrish Island focus areas, the application shall include an analysis of the property and the proposed development. This shall be prepared by a wildlife biologist with work experience in this region. The analysis shall be based on research of existing data and site visits made during the appropriate season(s). The report shall include recommendations with respect to the design of the development proposal in order to maximize the habitat values following development. This may include alteration of the on-site design to minimize off-site habitat impacts, such as but not limited to protecting a corridor which allows wildlife passage between undeveloped habitat blocks.

6.3.17 The locations, widths and names of any existing, filed or proposed streets or rights-of-way which are adjacent to the parcel or will be used as access to/from the development shall appear on the plan. There should also be a notation on the plan as to the status (i.e., Town road, private road, paper road) of every street that will be a regular travel way for traffic to/from the proposed development.

6.3.18 Reserved.

6.3.19 The proposed lot lines with approximate dimensions and approximate area of net developable acreage shall appear on the plan.

6.3.20 All parcels of land proposed to be dedicated to public use shall be depicted on the plan. An outline of the conditions of such dedication and provisions for maintenance and/or management must also be submitted.

6.3.21 Reserved.

6.3.22 If any portion of the Site Plan or Subdivision Plan 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 as determined through hydrological determinations. Determinations of flood-prone or flood hazard areas shall be in accordance with information provided by the Federal Emergency Management Agency.

6.3.23 Reserved

6.3.24 Indication of the type of sewage disposal to be used in the subdivision shall appear on the plan.

6.3.24.1 *Public Sewage Disposal* - When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Sewer District stating that the District has the capability to collect and treat the wastewater shall be submitted.

6.3.24.2 *Private Sewage Disposal* - When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. The location of all test pits dug on the site (whether passing or not) shall be shown on the Site Plan or Subdivision Plan. The developer must submit evidence that the Local Plumbing Inspector has reviewed and approved the test pit log sheets (State of Maine form HHE-200) and septic system design for compliance with the State of Maine Subsurface Wastewater Disposal Rules (Chapter 241) and any local plumbing or subsurface wastewater disposal ordinance of the Town.

6.3.24.3 For subdivisions, a minimum of one acceptable test pit must be shown on each proposed lot, and two may be required per Article 7.9.2.1.

6.3.25 Indication of the type of water supply system(s) to be used in the proposed development shall appear on the plan.

6.3.25.1 *Public Water* - When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating that there will be adequate supply and pressure for the subdivision for domestic purposes.

6.3.25.2 *Wells* – The required protective radius shall be delineated around each well.

6.3.26 A letter from the Fire Chief is required. This letter shall indicate the fire safety concerns that the applicant must address prior to acceptance of the Final Plan. The Chief shall have broad latitude to address issues, including but not limited to provision of infrastructure (hydrants, fire ponds, etc.) design of the site (fire lanes, etc.), or sufficiency of existing department equipment to protect public safety.

6.3.27 A sketch and narrative description prepared by a professional engineer, of the proposed stormwater drainage plan shall be submitted. This discussion shall contain a description of the measures to be taken to control stormwater leaving the property and a description of the expected total run-off being detained and leaving the site. This submission shall also indicate whether the drainage system will be underground or above ground, and shall include an indication of any swales, underground piping, detention structures, etc. proposed to be used to contain or direct stormwater. The capacity of abutting downstream properties to manage a 100 year storm shall be addressed by the applicant.

6.3.28 The location and size of existing and proposed sewers and water mains, culverts, bridges and drainage ways on or adjacent to the property to be developed shall appear on the plan.

6.3.29 Temporary markers adequate to enable staff or the Board to locate readily and appraise the basic layout in the field shall be placed on the site.

6.3.30 Sight distances for all new streets including driveways for commercial establishments shall be depicted on the plan. Whenever there is potential for an insufficient sight distance for a single-family residential driveway, the location of the driveway and the sight distance must appear on the plan.

6.3.31 Reserved.

6.3.32 A high intensity soil survey signed and sealed by a Maine Certified Soil Scientist, indicting the suitability of soil conditions for the uses proposed shall be submitted. This report must meet the Maine Association of Professional Soil Scientists Standards for Soil Surveys for a Class A Soil Survey (04/04/89 and as amended). The HISS plan shall indicate areas subject to the requirements of Article 7.4.2.

6.3.33 For Site Plans or Subdivision Plans involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with at least 3 years experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the required level of service on the affected streets. Trip generation rates used shall be the mean value reported in Table 3 of Development and Application of Trip Generation Rates, Kellerco, Inc. published by the Federal Highway Administration, January, 1985. (MAJOR)

6.3.34 All requests for waivers from strict compliance with any of these regulations shall be submitted in writing. All such waiver requests must refer to the section of these regulations for which the waiver is being requested, and an explanation of the reasons such waiver is considered necessary.

6.3.35 The Planning Board review fee, based on the fee schedule in Section 2.3.1 shall be submitted.

6.4 SUBMISSIONS FOR FINAL PLAN

A complete Final Plan shall include the following:

6.4.1 All information presented on the Preliminary Plan and any amendments or conditions requested or required by the Board must appear on the Final Plan.

6.4.2 An internal survey of the proposed development showing bearings and distances for all lot lines, and the precise area of net developable acreage shall be submitted.

6.4.3 The water supply system design contained in the Site Plan or Subdivision Plan shall be approved in writing by the appropriate agency or individual, and shall be submitted with the Final Plan.

6.4.3.1 *Public Water Supply* - The servicing Water District must approve in writing all specifications for water supply system that appear on the plan.

6.4.3.2 *Private Wells* – The required protective radius shall be delineated around each well. Restrictions pertaining to the well protection area shall be indicated on the plan.

6.4.3.3 *Central Water Supply* - The State of Maine Department of Human Services must approve all proposals for a central water supply system, and the written approval of that agency shall be submitted.

6.4.4 The sewage disposal system design contained in the Site Plan or Subdivision Plan shall be properly endorsed and approved in writing by the appropriate agency, as listed below.

6.4.4.1 *Public Sewage Disposal* - The York Sewer District must approve all plans that will connect to the public sewer line and all sewer line extensions. This approval will cover issues of capacity as well as piping and pump station specifications.

6.4.4.2 *Private Sewage Disposal* – Areas designated for primary and back-up septic system locations per Section 7.9.2.1 shall be precisely delineated, located, and labeled on the plan. The restriction on uses in these areas shall be documented in a note on the plan.

6.4.4.3 *Engineered Septic Systems* - For any system having a capacity of 2,000 gallons per day or more, the system design must be submitted, and the Local Plumbing Inspector (LPI) must verify in writing that the system is in compliance with all local codes. Additionally, written approval of the Maine Department of Human Services must be submitted.

6.4.5 The developer shall submit dated evidence that they have submitted copies of the approved Preliminary Plan and any other relevant materials to the Superintendent of Public Works, School Superintendent (residential development only), Police Chief and Fire Chief (Beach or Village, as appropriate). This shall include information on the number of dwelling units proposed, the length of roadways, the size and construction characteristics of any multi-family, commercial or industrial buildings, and other relevant information. The applicant shall request that these officials submit an advisory opinion within 30 days. Such advisory opinions shall be based on the department's ability to service the proposed development.

6.4.6 A landscaping plan meeting the standards of Section 7.17 as well as all of the Ordinances of the Town of York shall be submitted. This submission shall include identification of species to be used, the size of the planting to be used, and the plan spacing being proposed. On wooded sites, the Plan shall indicate the area where clearing for lawns and structures shall be permitted.

6.4.7 A plan illustrating the location and dimensions of all proposed development improvements and alterations including the limits of the areas that will be disturbed during construction.

6.4.8 Reserved.

6.4.9 The plan shall contain sufficient data to allow the location, bearing and length of every street, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

6.4.10 By proper designation, all public open space for which offers of cession are made by the developer and those spaces to which title is reserved by the developer, or areas which are to be commonly held by a condominium or owner's association shall be noted on the plan.

6.4.11 Written offers of cession to the municipality of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which those areas to which title is reserved by the developer, or to which title is to be held commonly by an owner's association are to be maintained, shall be submitted.

6.4.12 Written evidence that the municipal officers are satisfied with the legal sufficiency of the document referred to in Section 6.4.11 shall be submitted. Such written evidence shall not constitute an acceptance by the Town of any public open space referred to in Section 6.4.11.

6.4.13 The locations permanent reference monuments shall appear on the Final Plan.

6.4.14 The Plan shall contain detailed drawings showing the specifications for the street and storm drainage design. The information submitted shall include the following:

6.4.14.1 Plan view of all proposed roadways including all existing streets within 300 feet of any proposed intersections.

6.4.14.2 Cross sections of streets every 50 feet along the entire street proposed in the development.

6.4.14.3 A longitudinal profile along the roadway center line.

6.4.14.4 Date, scale and magnetic or true north point on all plan pages.

6.4.14.5 Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs.

6.4.14.6 Type, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.

6.4.14.7 Complete curve data shall be indicated for all horizontal and vertical curves.

6.4.14.8 Turning radii at all intersections.

6.4.14.9 Centerline gradients.

6.4.14.10 Locations of all existing and proposed overhead and underground utilities, including but not limited to water, sewer, fire hydrants or dry hydrants, street lights, electricity, telephone, lighting, and cable television.

6.4.14.11 The anticipated beginning and end dates of each major phase of street construction.

6.4.14.12 The street numbers of the lots, laid out in accordance with the street plan of the Town of York.

6.4.14.13 The location of all street name signs and traffic signs that will be installed at the expense of the developer.

6.4.14.14 The location and design of all driveways (that portion within the right-of-way only), and related plan notes, to reflect the requirements of §9.5.12.

6.4.15 Soil Erosion and Sedimentation Control Plan. The Soil Erosion and Sedimentation Control Plan, which has been prepared by a Qualified Erosion and Sedimentation Control Professional, shall contain detailed drawings illustrating erosion and sedimentation control Best Management Practices (BMP) and details meeting the standards in Section 9.10 which are suitable and specific to the site and the development proposed. The Soil Erosion and Sedimentation Control Plan must include the following items:

6.4.15.1 The limits of areas which will be disturbed by construction, on the same plan where topographic lines, proposed buildings, structures, roads, and existing surface waters and wetlands are shown including a note that the limits of disturbance will be visually delineated in the field prior to disturbance, and that a preconstruction meeting with Code Enforcement is required.

6.4.15.2 The location of all permanent and temporary Erosion and Sedimentation Controls Best Management Practices proposed to be used including but not limited to buffer strips, grassed and riprapped ditches, hay bale barriers, stone check dams, silt fencing, excavation dewatering areas, concrete washout areas, waste storage, and/or sedimentation basins.

6.4.15.3 Erosion control notes which specify temporary and permanent stabilization measures for exposed soil, including types and application rates for all seeding, lime, fertilizer and mulch.

6.4.15.4 A schedule and procedure for installation, inspections by the contractor, and maintenance. This schedule will outline the erosion control and construction sequence, final seeding dates, maximum time period after completion of work that the site will remain unstabilized, and frequency of erosion control and sedimentation control maintenance.

6.4.15.5 Details for all permanent and temporary Erosion and Sedimentation Control Best Management Practices.

6.4.16 Stormwater Management Plan - The developer shall submit a plan and design for the collection and management of surface drainage waters prepared by a Registered Engineer, and which meets all the requirements of Sections 9.8 and 9.9.

6.4.16.1 The drainage plan shall include sufficient detail to insure that the drainage system proposed by the engineer will be properly constructed in the field and to allow technical evaluation of its adequacy. This shall include drainage calculations, delineation of drainage area and sub-area boundaries, all man-made and natural drainage ways, locations of all

existing and proposed culverts and/or underground piping, culvert and piping sizes, cross sections of all existing and proposed drainage structures, downgrade and slide slopes, lining material (i.e. vegetation, fabric, riprap, etc.) and other dimensional characteristics necessary for construction and evaluation.

6.4.16.2 The developer must submit a statement from a Professional Engineer which describes the measures taken for control of erosion, drainage, and sedimentation and which certifies that the proposed development will not create erosion, ponding, or flooding, either within the development or on other properties, as well as the calculations that support this conclusion.

6.4.16.3 The developer must submit a Post Construction Stormwater Management Plan in accordance with the Post Construction Stormwater Management Plan Ordinance.

6.4.17 A hydrogeologic assessment must be submitted when the Site Plan or Subdivision Plan is not served by public sewer and; a) any part of the site is located over a sand and gravel aquifer, as shown on a map entitled *"Hydrogeologic Data for Significant Sand and Gravel Aquifers"*, by the Maine Geological Survey, Map Numbers 1 and 2; or b) the site has an average density of less than 100,000 square feet per dwelling unit, or c) when the Planning Board, after consultation with the Town Engineer, determines such information is necessary to adequately evaluate the impact on ground or surface waters. The hydrogeologic assessment shall be prepared by a Maine Certified Geologist or Maine-licensed Professional Engineer, provided that the professional has at least three years experience in hydrogeology and shall meet the standards of both this Section and Section 7.16. (MAJOR)

6.4.17.1 A high intensity soil survey map meeting the standards of Article 6.3.32.

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

6.4.17.3 Drainage conditions throughout the subdivision.

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

6.4.17.5 An analysis and evaluation of the effect of the proposed development on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is the shorter distance. For developments within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.

6.4.17.6 A map showing the location of any subsurface wastewater disposal systems and any existing or proposed drinking water wells within the development and within 200 feet of the development boundaries.

6.4.18 A list of construction items with cost estimates for all public improvements proposed by the developer shall be submitted. This shall include, but not be limited to: a) streets; b) drainage facilities; c) sewer and water mains; d) erosion and sedimentation control plans; e) recreational areas and parks. This submission shall include a critical path method construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, and a

completion date after which the developer will be in default and the Town shall have the option to access the funds in the performance guarantee to finish construction.

6.4.19 A copy of covenants and deed restrictions as are intended to cover all or part of the tract shall be submitted.

6.4.20 The Final Plan shall show 2-foot contour lines of both existing and proposed topography in relation to the NAVD of 1988.

6.4.21 To aid the Board's understanding of a development, elevation view drawings may accompany the proposal.

6.4.22 The plot plan must be prepared with a signature block for the signatures of the Planning Board upon approval. This page will be filed by the developer in the Registry of Deeds. If necessary, more than one page will be signed by the Board and filed at the Registry.

6.4.23 All requests for waivers from strict compliance with any of these regulations shall be submitted in writing. All such waiver requests must refer to the section of these Regulations for which the waiver is being requested, and shall contain an explanation of the reasons such waiver is considered necessary and why the granting of such a waiver would be consistent with these Regulations.

6.4.24 Elevation drawings for each side of each non-residential building if the building is either new or is to be altered pursuant to this application.

6.4.25 Identification of the type and amount of the required performance guarantee.

6.4.26 The Board shall require submittal of all information necessary to determine compliance with other codes. This includes, but is not limited to: Zoning Ordinance, including overlay districts: Floodplain Management Ordinance; Well Ordinance; and Wireless Communications Facilities Ordinance. In addition, the Planning Board may require any additional information the Board feels is reasonably necessary to insure that the health, safety and welfare of the public is protected.

6.4.27 **Findings of Fact, Conclusions of Law, and Decisions.** The applicant shall prepare a written draft of a document entitled, "Findings of Fact, Conclusions of Law, and Decisions," for the Planning Board to consider. This document, in combination with the plan set, explains in detail the application, the issues considered, and the decisions made. The purpose of this document is to make the public record crystal clear to ensure that decisions of the Board are easily understood and defensible in case of appeal. If the applicant cuts corners with this documentation, it runs the risk of being granted an approval that is easily overturned on appeal. When making its final decision, the Board shall direct the applicant to amend the draft as necessary, and a final copy for the Chair's signature shall be delivered along with the mylars submitted for the Board members' signatures.

A. The document shall begin with a header in the following format:

Findings of Fact, Conclusions of Law, & Decisions
Planning Board, Town of York, Maine
<date>

Regarding an application by
<applicant>
Tax Map __/Lot __
<street address>

B. The document shall provide a compilation of relevant facts pertaining to the application in a section titled Findings of Fact. At a minimum, this shall include the following subject matter and order:

1. street address of the property or properties;

2. property ownership, as indicated on the application form and deed;

3. other parties to the application;

4. description of the existing use or uses of the property;

5. description of the proposed use or uses of the property, and the nature of the application;

6. base zoning district in which the property is located;

7. overlay zoning district(s) in which the property is wholly or partially located;

8. other relevant regulatory districts in which the property is wholly or partially located (relating to the Floodplain Management Ordinance, Wireless Communications Ordinance, Well Ordinance, etc.);

9. comprehensive list of materials submitted by the applicant as part of the application;

10. date or dates on which the Board met to consider the application;

11. date or dates on which the Board conducted a public hearing on the application; and

12. a brief description of the substantive materials and testimony received at the public hearing.

C. The document shall provide a compilation of legal findings pertaining to the application in a section titled Conclusions of Law. At a minimum, this shall include the following subject matter and order:

1. Description of the Planning Board's jurisdiction over the application. List all statutes, ordinances, and regulations that are applicable, and which permits and approvals are required. For instance, the Zoning Ordinance is almost always applicable, but not all applications require a Wetland Permit.

2. For each applicable land use code or permit, explain how the proposal complies with each of the relevant requirements of each of the relevant land use codes. Many permits have a list of required criteria of approval which can form the basis for this requirement. (See, for example, §1.2 of this Regulation. Each difficult or questionable issue should be detailed to ensure the final decision is defensible. The more contentious the application, and the more difficult the decisions, the more detail is important.)

D. The document shall provide a list of decisions made by the Planning Board regarding the application, to be documented in a section titled Decisions. At a minimum, this shall include the following subject matter and order:

1. The date on which the application was reviewed and found by a vote of the Board to be substantively complete and was accepted for review.

2. A list of each waiver granted, specifying the exact section waived, the date of each decision, and the rationale for each waiver.

3. A list of each decision on which the Board voted during the review process which relates to interpretation or application of the codes.

4. The date on which the application received preliminary approval, if required, along with a description of direction provided to the applicant for changes required at final submittal.

5. The date on which the application received final approval, along with a listing of all conditions precedent or subsequent imposed by the Board

6. The date on which a conditional final approval will expire if the conditions precedent are not satisfied.

E. At the end of the document, there shall be a place for the Chair of the Board to sign and date the document.

6.4.28. Financial Capacity. The applicant shall provide documentation from a bank or other established financial institution acceptable to the Planning Board with an evaluation as to the applicant's financial capacity to successfully undertaken and complete the proposed project.

ARTICLE 7 ... GENERAL STANDARDS

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

7.2 CONFORMANCE WITH COMPREHENSIVE PLAN.

All proposed Site Plans and Subdivision Plans shall conform to the Comprehensive Plan of the Town of York and with the provisions of all pertinent federal, state, and local codes, ordinances, and regulations.

7.3 PRESERVATION OF NATURAL AND HISTORIC FEATURES

7.3.1 The Board shall require that a proposed Site Plan or Subdivision Design include a grading and landscape design plan that shows the preservation of existing trees (6" diameter or larger at 4 feet 6 inches), the replacement of trees and vegetation, existing and final contours, streams and the preservation of scenic, geologic, historic or environmentally desirable areas. Significant trees or stands of trees, and species or clumps of trees that are rare to the area or of particular horticultural or landscape value shall be preserved. Likewise, geologic rock outcroppings significant to the area and landscape shall be preserved. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

A. To ensure the Board understands the extent of protection or proposed alteration of the site landforms and landscaping, the following shall be clearly documented on the plans:

1. the net volume of all materials in cuts and fills, and the net volume of all materials brought in to or removed from the development site for changes including but not limited to foundations (other than building foundations), driveways, septic systems, drainage systems, and roads;

2. identification of all areas where elevations change more than 5 feet; and

3. the extent and volume of all grading work proposed outside the road right-of-way which is related to road construction and driveways.

B. All proposed grading changes which affect bufferyards shall be designed to preserve and protect existing trees and natural landscaping and geological features within the buffer.

C. Except under building footprints, changes in pre- and post-development ground elevation which exceed 10 feet may be permitted by the Board only when the applicant demonstrates why the change is necessary and provides an analysis to ensure there are no adverse impacts as a result.

D. New slopes established by re-grading a site shall not exceed 20%, except for the allowed 33% shoulder slope along proposed roads.

E. To the maximum extent possible, roads and driveways shall follow landform contours and minimize deep cuts.

F. The Board shall require the applicant to show a grading design which preserves the natural landform and the application shall minimize the total landform disturbance.

7.3.2 The Planning Board may require the preservation of certain other natural characteristics, for example, that trees along northerly borders are retained to provide a natural wind buffer.

7.3.3 The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

7.3.4 The project shall be designed to maximize the habitat values of the property following development. This shall be based on the information presented in the report of the wildlife biologist as submitted per §6.3.16, and additional sources as the Board may find relevant.

7.3.5 Any public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space, with provisions made for continued public access.

7.3.6 With respect to historic and/or archaeological resources, the Planning Board shall act to protect such resources.

A. Where initial information indicates there may be significant resources on the site, the Board may require a comprehensive site analysis by a qualified professional. This shall be paid for by the applicant.

B. The Board may require alteration of the proposed design and/or permanent protection of identified resources. It shall consider the information provided by the applicant, and may seek advice from the Historic District Commission, Maine Historic Preservation Commission, or other qualified sources. The Board shall weigh the relative significance of resources affected and the magnitude of impact on the proposed development in making its decision.

C. The Board may require a plan note to address any archaeological findings discovered during site construction, as follows:

> **Archeological Findings.** If, during excavations, any archeological findings are uncovered, all work shall stop and the State Archeologist be consulted, and may commence again only after conservation of the resources is addressed to the satisfaction of the State Archeologist.

7.4 LAND NOT SUITABLE FOR DEVELOPMENT

7.4.1 The board shall not include in the calculation of lot size and portion of the land that:

7.4.1.1 Is at a lower elevation than the normal high water mark of any body of water that is situated below sea level.

7.4.1.2 Is located within the 100 year frequency floodplain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the developer shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least two feet above the 100 year flood level (elevation not to include filled or made land).

7.4.1.3 Is part of a right-of-way or easement of passage of any width, or is part of a utility easement greater than 90 feet wide.

7.4.1.4 Is defined by federal, state, or Town of York law, regulations or ordinances as being wetlands.

7.4.1.5 Has a slope greater than 20%.

7.4.2 Whenever the high intensity soils survey reveals areas with a high water table, or seasonally high water table (within 10 inches of surface for at least 3 months of the year), these areas shall be depicted on the Plan. Additionally, a note shall be added to the plan

instructing future landowners that any construction in these areas may require special construction practices.

7.5 BLOCKS

7.5.1 Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations shall be included in the written description of the easement, and shall be so noted on the plan.

7.6 LOTS

7.6.1 All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location and type of development and use contemplated. Land that is not suitable for construction as delineated in Section 7.4 shall not be included in the calculation of the lot area. Additionally, portions of land with a seasonally high water table may not comprise more than 25% of any lot under 1/2 acre, or more than 50% of any lot over 1/2 acre.

7.6.2 Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.

7.6.3 Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more streets, the Planning Board shall determine proper egress and ingress to maximize safety. Both the plan and deed shall contain restrictions indicating the location for vehicular access.

7.6.4 Side lot lines shall be substantially perpendicular to the street.

7.6.5 Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning District in which a subdivision is located, the Board may require that the streets and lots be laid out in such a manner as to provide for future resubdivision. Where public utilities could be extended into the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.

7.6.6 If a lot on one side of a "stream or tidal water" 25 feet wide or more (measured between high water marks), street, or other similar barrier fails to meet the minimum requirement for lot size, it may not be combined with a lot on the other side of the stream, tidal water, street or barrier to meet the minimum lot size.

7.6.7 Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than four to one (4:1).

7.7 UTILITIES

7.7.1 The size, type and location of public utilities, such as street lights, electricity, gas lines, fire hydrants, etc. shall be shown on the plan.

7.7.2 Utilities shall be installed underground.

7.7.3 Underground utilities shall be installed prior to the installation of the final gravel base of the street.

7.8 WATER SUPPLY

A water supply system which supplies both domestic water and water for fire-fighting purposes must be provided.

7.8.1 Public Water Supply System

7.8.1.1 When a Site Plan or Subdivision Plan is to be served by a public water system, the complete supply system, including fire hydrants, shall be installed at the expense of the developer. The Board shall require connection to the public water system if an existing public water system line with adequate supply is within 750 feet of the site.

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

7.8.1.3 The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water district and the Fire Chief.

7.8.1.4 The property owner(s) shall be responsible for payment of water service costs for each fire hydrant on private property. In the event that required water charges are not paid, the Town shall lien each affected property to ensure continued operation of each hydrant. The Town shall charge each property owner their respective share of the costs, plus a 25% penalty to help cover administrative costs. This subsequent condition shall be included in the plan notes on the signed plan.

7.8.2 Private Water Supply

7.8.2.1 When the location of a proposed development is greater than 750 feet from the public water system, the Board may allow the use of individual wells or a private community water system.

7.8.2.2 Dug (shallow) wells shall be permitted only if it is demonstrated to be not economically feasible to develop other ground water sources, and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, dug wells shall be prohibited.

7.8.2.3 If a central water supply system is provided by the developer, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231).

7.8.2.4 The developer shall construct ponds and dry hydrants to provide for adequate water storage for firefighting purposes. An easement shall be granted to the municipality granting access to and maintenance of the dry hydrants where necessary. The Board may waive the requirement for fire ponds only when the developer makes arrangements to provide alternate firefighting provisions.

7.8.2.5 The location of all existing and proposed wells shall be shown on the lot.

7.8.2.6 Lot configuration and site design shall provide for a protective radius of 100′ around every well on the property. A larger radius shall be provided if required by State standards. The well protection area shall be contained entirely on the lot, or may extend onto adjacent lots if an easement is provided. For subdivisions with common lands, the easement may extend into the common land. Septic

systems, backup septic system areas, underground storage tanks, and roads shall be prohibited in the well protection area.

7.8.2.7 If there is concern about sufficiency of the water quantity or quality available on-site, or about off-site domestic water quantity or quality impacts caused by the development, the Board may require the developer to submit documentation from a qualified professional as to the adequacy of the proposal in these respects.

7.9 SEWAGE DISPOSAL

7.9.1 Public Sewage Disposal System

7.9.1.1 A public sewer system shall be installed at the expense of the developer when there is a public sewer line capable of servicing the development within 1,500 feet of the proposed development at its nearest point. The Sewer District shall certify that providing service to the proposed development is within the capacity of the system's collection and treatment system.

7.9.1.2 The developer shall request a review by the Sewer District of the design and proposed construction of the sewage system. Approval of the Sewer District in writing is required prior to Planning Board approval.

7.9.2 Private Sewage Disposal System

7.9.2.1 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 and the Ordinances of the Town of York. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon. All setbacks and other such requirements normally associated with a septic system shall also be observed for the reserve area.

7.9.2.2 In no instance shall a disposal area be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

7.9.2.3 Overboard discharge systems which discharge treated, untreated or inadequately treated pollutants including, but not limited to, animal or human waste, into any waterbody or watercourse within or abutting the Town of York shall not be permitted.

7.10 SURFACE DRAINAGE

7.10.1 The stormwater management plan submitted in accordance with Sections 6.4.16, 9.8 and 9.9 shall be installed.

7.11 LAND FEATURES

7.11.1 Topsoil shall be considered part of the site and shall not be removed from the site except for surplus topsoil from streets, parking areas and the areas occupied by the proposed buildings.

7.11.2 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion and to minimize stormwater run-off. Additionally, all erosion control and sedimentation provisions in Article 9.10 must be met.

7.11.3 To prevent soil erosion in the shoreline areas, tree cutting in the strip extending one hundred feet inland from the normal high water mark of any waterbody shall be limited in accordance with the Town of York's Shoreland Zoning Ordinance and State law. These restrictions shall appear as a note on the plan and in the deeds to the affected lots.

7.11.4 Site and road layout shall minimize wetland impacts as much as practical based on assessment of functional values from the wetlands assessment required by the Zoning Ordinance. The Board can reduce the total number of lots in the subdivision and may require other design changes to achieve this result.

7.12 DISPOSAL OF CONSTRUCTION WASTE AND DEMOLITION DEBRIS

7.12.1 The developer shall legally dispose of construction and demolition debris, stumps, brush and wood waste, bituminous asphalt and pavement products, inert fill and wood wastes and will provide a description of such disposal arrangements on the final plan. These arrangements must meet all applicable requirements to the Maine Department of Environmental Protection (DEP) Solid Waste Management Rules, Chapter 404 as amended. If an on-site disposal area for the disposal of stumps and debris is proposed, the site shall be indicated on the plan, and shall be suitably covered with fill and topsoil, limed, fertilized and seeded.

7.13 RETENTION OF PROPOSED PUBLIC SITES AND OPEN SPACES

7.13.1 For conventional design subdivision (not a cluster design subdivision), the Board shall require the reservation of at least 10% of the gross lot area as open space in order to provide for the recreational needs of the occupants of the subdivision, to maintain the scenic or natural beauty of the area, or to manage wildlife habitat. In evaluating the design of the open space, the Board shall consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the needs identified in the Comprehensive Plan for open space or recreational facilities in the neighborhood surrounding the subdivision; the type of development and the demographic characteristics of potential residents in the subdivision; the wildlife habitat values of the property; and the density or lot sizes of the development.

7.13.2 Reserved land acceptable to the Board and the developer may be presented to the Town or other suitable agency as described in Section 7.14 for acceptance. However, approval of a plan on which reserved land or recreation area is depicted shall not constitute an acceptance by the municipality or other agency of such areas and the Plan shall contain a notation to this effect. The Planning Board may, where appropriate, require a written agreement between the applicant and the Board of Selectmen covering future deed and title, dedication, equipment, and maintenance of any such recreation area.

7.13.3 Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have suitable access for the proposed uses of the site, and have both a depth and width of at least 200 feet.

7.13.4 Undeveloped open space sites selected primarily for scenic or passive recreation should be left in their natural state. The plan may specify certain improvements proposed by the developer such as the cutting of trails for walking or jogging, or provision of picnic areas, etc. In addition, the Planning Board may require the developer to make other improvements, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, grading, and seeding. Sites selected for these purposes shall have such access as the Board may deem suitable and shall have no less than 25 feet of street frontage. The configuration of such sites shall be reviewed for adequacy by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

7.14 DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND SERVICES

All common open space or facilities must be noted on the plan along with appropriate provisions on the plan to specify the ownership and maintenance of these common properties or facilities. This may involve any or all of the situations described below:

7.14.1 Common property may be deeded in fee or through use of a conservation easement to an agency or association defined as a holder under Title 33 M.R.S.A. Section 4476. The Planning Board must approve of the holder and its adequacy to protect the values for which the parcel is to be preserved.

7.14.2 All or a portion of the common property or facilities may be proposed for acceptance by the municipality. If the municipality does not accept them, the common properties and facilities must become the responsibility of an owner's association pursuant to Section 7.14.3

7.14.3 All or a portion of the common properties may be held in common through means of an owner's association. The dedication of the proposed owner's association shall specify maintenance responsibilities and shall be reviewed by the Board. Covenants for mandatory membership in the homeowner's association setting forth the owners' rights, interests, financial obligations, and privileges shall be reviewed by the Board and must be included in the deeds for the affected lots or dwelling units, and shall be so stated on the plan.

7.14.3.1 The developer shall maintain and operate the common property until 51% of the lots, units, or total constructed space, whichever is appropriate, has been sold to persons other than the developer, at which time the responsibility for the maintenance and operation of the common property may be turned over to the Homeowner's Association. This section does not apply to required public improvements for which the developer is responsible until he is released from the performance guarantee.

7.14.4 Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. The use of open space land must continue in perpetuity for the purpose specified. Structures and buildings accessory to non-commercial recreation or conservation uses may be erected on the common land. This prohibition shall be noted on the plan.

7.15 CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a Site Plan or subdivision is located in a special flood hazard area (Zones A, A1-A30, AE, AO, AH, V1-V30 and/or VE as identified by the Federal Emergency Management Agency), the plan shall indicate that all principal structures in the development shall be constructed with their lowest floor, including the basement, at least two feet above the 100 year flood elevation and that all other conditions of the Town of York Flood Management Ordinance shall be met. Such a restriction shall be included in the deed for any lot which is included or partially included in the flood hazard area.

7.16 IMPACT ON GROUNDWATER

7.16.1 When required through the provisions in Section 6.4.17, the developer shall submit a groundwater purity hydrogeologic assessment containing the information outlined in Section 6.4.17 and meeting the following standards so as to prove that here will be no problems relating to groundwater mounding or groundwater contamination.

7.16.1.1 Projections of groundwater quality shall be based on the assumption of 60% of annual average participation.

7.16.1.2 No Site Plan or Subdivision Plan shall increase any contaminants concentration in the ground water to more than one half of the State of Maine Primary Drinking Water Standards. No Site Plan or Subdivision Plan shall increase any contaminant concentration in the ground water to more than the State of Maine Secondary Drinking Water Standards.

7.16.1.3 If ground water already contains contaminants in excess of the primary standards, and the Site Plan or Subdivision Plan is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

7.16.1.4 If ground water already contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

7.16.1.5 Subsurface wastewater disposal systems and drinking water well shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended by the hydrogeologist's assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

7.17 LANDSCAPING

7.17.1 In addition to specific landscaping provisions in the Town of York ordinances, street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required may vary depending on the type of development. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water.

7.17.2 The site design shall minimize the possibility of noise pollution either from within or without the development from highway or industrial sources by providing and maintaining a green shrubbery buffer strip between abutting properties that are so endangered.

7.17.3 Where landscaping improvements are required, they shall be maintained and replaced within one growing season if they die. They shall be incorporated into the Final Plan and be executed by the developer as construction of the development progresses.

7.18 MONUMENTS

7.18.1 Drilled stone or reinforced concrete with inset galvanized steel posts shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.

7.18.2 Drilled stone or reinforced concrete with inset galvanized steel posts shall be set at all corners and angle points of the site boundaries where the interior angle of the site boundaries is 135 degrees or less.

7.18.3 Drilled stone or reinforced concrete with inset galvanized steel posts shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes, 1/2 inch deep shall locate the point or points described above.

7.18.4 All other site boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by same monumentation.

7.18.5 Survey monumentation shall be required for conservation easements. Monumentation shall be sufficient to enable the boundary of the easement to be easily located in the field.

7.18.6 Proper and complete monumentation shall be installed prior to final approval of the application. The applicant's surveyor shall certify in writing that all monuments have been installed according to the submitted plan, using the form entitled "Certificate of Monument Installation." This form must be submitted to the Board prior to the receipt of final approval of the application. A copy of this form is contained in Appendix B.

7.19 IMPACT MITIGATION

The Planning Board may require the construction of off-site improvements if the Board determines such improvements are specifically required to address a public health, safety or welfare concern caused by the proposed project.

7.20 STREET AND STORM DRAINAGE DESIGN, EROSION CONTROL

Street and stormwater drainage design, and erosion control and sedimentation plans shall meet the standards of Article 9.

7.21 REFUSE DISPOSAL AND RECYCLING

A non-residential use shall provide adequate facilities to collect and dispose of refuse and recycle solid wastes on a timely basis and in an environmentally friendly manner. All refuse and recycling facilities shall be screened from view by a four-sided solid enclosure. The fence shall be a minimum of six feet in height. A wooden stockade fence is preferred; metal wire fence is prohibited as a screen.

7.22 HAZARDOUS MATERIALS

7.22.1 Explosive Materials. Highly flammable or explosive liquids, solids or gases shall be stored in a manner that complies with State and Federal regulations, and shall be subject to the Fire Chief's approval.

7.22.2 Chemical/Fuel Storage. All storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials shall be completely screened from view from streets, shall comply with State and Federal regulations, and shall be subject to the Fire Chief's approval.

7.23 A.D.A. COMPLIANCE

For all Site Plans, adequate provisions shall be made to ensure compliance with the Americans With Disabilities Act of 1990 (ADA). The following measures are required as appropriate.

7.23.1 Curb ramps are required as necessary.

7.23.2. It is recommended, though not required, that a "drop-off" area be located at wheelchair-accessible entrances.

7.23.3 Where necessary, wheelchair ramps shall be provided, with a slope not exceeding one foot of rise per 12 feet of run, and a width as required by ADA.

7.23.4 All sites shall provide wheelchair-accessible parking spaces and accompanying access aisles in accordance with ADA, in particular 23 CFR Part 36, Appendix A, §4.1.2(5) (see Federal Register, Volume 56, #144, July 26, 1991), or as amended.

a. For the convenience of readers, the number of accessible spaces required for smaller parking lots are as follows:

Total Parking Spaces	Minimum Accessible Spaces
1 - 25	1
26 – 50	2
51 – 75	3
76 – 100	4
100 – 150	5
151 – 200	6
201 – 300	7

b. One in every 8 accessible spaces, but never less than one, shall be designated as "van accessible". Such spaces shall be served by an 8 foot wide access aisle.

c. Accessible parking spaces shall be served by a parallel access aisle, which shall be a minimum of 5 feet wide for standard spaces and 8 feet wide for van accessible spaces. Adjacent spaces may share an access aisle.

d. Accessible parking spaces and adjacent access aisles shall be paved flush to the ground, and the pavement shall extend all the way to the nearest wheelchair-accessible entrance. Parked vehicle overhangs shall not reduce the clear width of an accessible route.

e. Accessible parking spaces shall be located adjacent to wheelchair-accessible entrances. Wherever practical, the main entrance shall be wheelchair-accessible.

f. Each accessible space shall be identified with pavement marking and a sign. Signs shall be mounted such that they are not obscured by other parked vehicles. Van accessible spaces shall have an additional sign indicating the space is van accessible.

g. Accessible parking stalls shall be large enough to fully contain a rectangle 8 feet wide by 20 feet long.

h. The slope of accessible parking spaces and adjacent access aisles shall not exceed a slope in any direction exceeding one foot of rise per 50 feet of run.

7.24 IMPACT ON AIR QUALITY

The proposed development shall not unduly affect air quality. Any required State or Federal emissions permits shall be obtained prior to final approval.

7.25 STATE PERMITS

Prior to, or as a precedent condition to granting final approval of an application, all required State permits shall be obtained.

7.26 TRAFFIC IMPACT ON ADJACENT MUNICIPALITIES

If the proposed development crosses municipal boundaries, the Board shall review the application jointly with Planning Board of the adjacent municipality. The York Planning Board shall require mitigation or take other action to ensure the proposed development does not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in the adjoining municipality.

7.27. PHOSPHOROUS POLLUTION

Where a proposed development is located within the watershed of a great pond, the applicant shall ensure the long-term cumulative effects of the propose development will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed development.

7.28 SCENIC RESOURCES

The Planning Board may require reasonable modification of a proposed development if such modification will help mitigate adverse impacts on aesthetic, scenic, or natural beauty of the area. This standard shall be applied only to resources specifically identified and recommended for protection in the Comprehensive Plan.

7.29 TIMEFRAME FOR CONSTRUCTION. It is in the community's interest to ensure the construction of roads and site improvements is completed in a timely manner, and/or limited to times that will minimize public impact. The Board may require the plan to include a plan note that specifies a maximum duration for completion of roads and/or site improvements. The deadlines shall be proposed by the applicant. The Board shall review the deadlines, and shall have the authority to amend the deadlines. Failure to meet the deadline shall be grounds for the Town to use the posted financial security to complete the work, and this shall be reflected in the language of the financial security. The Board may also require the plan to include a plan note that restricts the timing of construction when such limits will prevent undue disturbance or adverse impact to the public or the neighborhood.

7.30 SUBDIVISION PHASING

The Comprehensive Plan designates both Growth and Rural areas, and in Policy #1.3.1 calls for the control of subdivision phasing.

A. Growth Area. The Planning Board may impose phasing limits on a major subdivision where this is necessary to help mitigate adverse impacts of the subdivision.

B. Rural Area. The Planning Board shall require phasing of major subdivisions containing 10 or more lots or residential units, as follows:

1. The scope of the Preliminary Plan shall include all anticipated and potential phases to demonstrate the anticipated maximum buildout of the subdivision. This will help the Board understand the scope and potential impacts associated with the project at buildout.

2. Not more than one phase shall be permitted per year in each subdivision.

3. No phase shall contain more than 10 lots or 10 residential units, whichever is more restrictive.

C. Standards for All Phased Subdivisions. The following shall apply in all cases. See also §5.5.5 and §10.7.

1. The order of construction of phases shall be expressly called out on the Subdivision Plan in the plan notes.

2. The timeline for construction of the subdivision as addressed in §5.5.5 shall apply to the first phase from the initial date of Preliminary Plan approval. This standard shall apply to each subsequent phase, with the time requirement beginning at completion of all required infrastructure of the prior phase.

3. This standard shall be applied to all contiguous lands which are or become under common ownership during the timeframe in which the subdivision phases are being constructed, through the date on which the final phase is completed. When interpreting common ownership, this shall include ownership by different corporations in which one or more directors and/or shareholders are the same individual, their spouse, or other family members.

ARTICLE 8 ... ACCESS CONTROL AND TRAFFIC IMPACTS

8.1 GENERAL

8.1.1 Provision shall be made for vehicular access to the development and circulation within the development in such a manner as to safeguard against hazards to traffic and pedestrians in existing streets and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within subdivisions. More specifically, access and circulation shall conform to the standards and design criteria in this Article, as well as Article 9.

8.1.2 The vehicular access to the subdivision shall be arranged to avoid traffic congestion of existing local residential streets.

8.1.3 Where a lot has frontage on two or more streets, the access to the lot shall be provided from the street where there is lesser potential for traffic congestion and lesser potential for hazards to traffic and pedestrians. In general, all new driveways should access from the new subdivision street, rather than an existing street, so as to minimize curb cuts on the more heavily traveled street.

8.1.4 The street giving access to the development, and neighboring streets which can be expected to carry traffic to and from the development, shall have sufficient traffic carrying capacity and shall be suitably improved by the developer to accommodate the amount and types of traffic generated by the proposed development. No development shall increase the volume: capacity ratio of any street above 0.8 nor reduce the street's Level of Service to "D" or below, as defined by the most recent edition of the *Highway Capacity Manual* (published by the Transportation Research Board).

8.1.5 Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage streets, and traffic controls within public streets. Traffic control devises shall conform to the most recent edition of the *Manual on Uniform Traffic Control Devices* (MUTCD), unless otherwise specified in Subsection 8.4.

8.1.6 Access to the development shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

8.1.7 Where topographical and other conditions allow, provisions shall be made for circulation access connections to adjoining lots of similar existing or potential use. These shall be required:

8.1.7.1 When such access connection will facilitate fire protection services; or

8.1.7.2 When such access will enable the public to travel between two existing or potential uses, generally open to the public, without the need to travel upon a street outside the development.

8.1.8 All non-residential sites shall provide off-street loading facilities sufficient to meet the need of the use. The loading facility shall be located and designed so that delivery vehicles can be parked completely on site. The loading area shall not obstruct on-site traffic flow, but may allow for temporary use or blocking of some on-site parking spaces.

8.1.9 Snow removal shall be reviewed for all sites, and the general plan for snow removal shall be indicated on the plan. Areas suitable for snow storage shall be designated on the plan, and removal of snow from the site may be required if insufficient storage is provided. The landscaping and snow removal plans must work in harmony with on another.

8.2 SITE PLAN DRIVEWAY DESIGN STANDARDS

8.2.1 The design standards of this Section shall apply to all new or modified driveways subject to Site Plan review. Further, the Board may require compliance with these standards when a site is being expanded or redeveloped and, in the opinion of the Board, there is concern about the adequacy of the existing access.

8.2.2 Access design shall be based on the estimated volume using the access classification defined below.

Low Volume Access	Less than 25 vehicle trips per day
Medium Volume Access	Any access that is not a low volume or a high volume access.
High Volume Access	Peak hour volume of 400 vehicles or greater

8.2.3 Sight Distances - Accesses shall be designed in profile and grading and shall be located to provide the required sight distance measured along the street in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ¼ feet above the pavement. A sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

8.2.4 Vertical Alignment - Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall have vertical of alignments which conform to current Maine Department of Transportation driveway standards. In addition, low volume accesses shall not have, at any point, a slope greater than 15%, and medium and high volume accesses shall not have, at any point, a slope greater than 8%.

8.2.5 Low Volume Accesses

8.2.5.1 Angle of Intersection - Low volume accesses shall be two-way operation and shall intersect the street at an angle as nearly equaling 90 degrees as site conditions permit. Under special site conditions, the Planning Board may waive this requirement to no less than 70 degrees.

8.2.5.2 Curb Radius - The curb radius shall be no less than 5 feet and no more than 15 feet.

8.2.5.3 Access Width - The width of the access shall be no less than 12 feet and no more than 20 feet.

8.2.6 Medium Volume Accesses

8.2.6.1 Angle of Intersection - Medium volume accesses may be either one-way or two-way operation and shall intersect the street at an angle as nearly equaling 90 degrees as site conditions permit. Under special site conditions, the Planning Board may waive this requirement to no less than 70 degrees.

8.2.6.2 Curb Radius - Curb radius will vary depending on whether the access is one-way or two-way operation. On a two-way access the curb radii shall be no less than 15 feet and no more than 30 feet. One one-way accesses, the curb radii shall be no less than 15 and no more than 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

8.2.6.3 Access Width - On a two-way access the width shall be no less than 24 feet and no more than 36 feet. However, where truck traffic is anticipated, the width may be no more than 40 feet. On a one-way access the width shall be no less than 16 feet and no more than 20 feet.

8.2.7 High Volume Accesses

8.2.7.1 Angle of Intersection - High volume accesses shall intersect the street at an angle as nearly equaling 90 degrees as site conditions permit. Under special site conditions, the Planning Board may waive this provision to no less than 70 degrees.

8.2.7.2 Curb Radius - Without channelization islands for right-turn movements into and out of the site, the curb radii shall be no less than 30 feet and no more than 50 feet. With channelization islands, the curb radii shall be no less than 75 feet and no more than 100 feet.

8.2.7.3 Entering and existing accesses shall be separated by a raised median which shall be no less than 6 feet and no more than 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length.

8.2.7.4 Access Width - Access widths shall be no less than 20 feet and no more than 30 feet on each side of the median. Right turn only lanes established by a channelization island shall be no less than 16 feet and no more than 20 feet.

8.2.7.5 Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands and shall conform to the standards for the types of signs or devises set by the *Manual on Uniform Traffic Control Devices* (MUTCD).

8.2.8 Special Case Accesses - Special case accesses are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These accesses are allowed only on roadway segments where there is a raised median and no median breaks are provided opposite the proposed access. These accesses are usually located along the approaches to major signalized intersections where a raised median may be provided to protect left-turning vehicles and separate opposing traffic flows.

8.2.8.1 Perpendicular Driveways

8.2.8.1.1 Curb Radii - Curb radii shall be no less than 30 feet and no more than 50 feet, with a preferred radius of 50 feet.

8.2.8.1.2 Access Width - Access width shall be no less than 26 feet and no more than 30 feet. On two-way accesses, a triangular channelization island shall be provided at the intersection with the street. On each side of the island the one-way drive shall be no less than 15 feet and no more than 24 feet.

8.2.8.1.3 Channelization Island - The channelization island on two-way accesses shall be raised and curbed. Corner radii shall be 2 feet.

8.2.8.2 Skewed Accesses

8.2.8.2.1 Angle of Intersection - Access shall intersect the street at an angle no less than 45 degrees and no more than 60 degrees.

8.2.8.2.2 Curb Radii - Curb radii shall be no less than 30 feet and no more than 50 feet on the obtuse side of the intersection. Curb radii shall be no less than 5 feet and no more than 10 feet on the acute side of the intersection.

8.2.8.2.3 Access Width - The width of the access shall be no less than 15 feet and no more than 24 feet. Where entering and exiting access meet, the width shall be no less than 24 feet and no more than 30 feet.

8.3 ACCESS LOCATION AND SPACING

8.3.1 Minimum Corner Clearance - Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the access. In general the developer should provide the maximum practical corner clearance possible based on site constraints. Minimum corner clearances are listed below based upon access or minor street volume and intersection type.

MINIMUM STANDARDS FOR CORNER CLEARANCE

	MINIMUM CORNER CLEARANCE (Feet)	
	INTERSECTION	INTERSECTION
ACCESS TYPE	SIGNALIZED	UNSIGNALIZED
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250
Special Case		
Right turn in only	50	50
Right turn out only	100	100
Right turn in or out only	100	50

Where the minimum standard for a full access drive cannot be met, only special case accesses shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

8.3.2 Access Spacing - Accesses and street intersections shall be separated from adjacent accesses, streets and property lines as indicated in the table below, in order to allow major through routes to effectively serve their primary function of conducting through traffic. The distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line.

MINIMUM ACCESS SPACING
NOTE: This chart applies to the accesses on the property being developed only

Minimum Spacing to Adjacent Access by Access Type [2] (DSP) [3]

ACCESS TYPE	MINIMUM SPACING TO PROPERTY LINE (DPL) 1 (FEET)	LOW (FEET)	MEDIUM (FEET)	HIGH w/o RT* (FEET)	HIGH w/RT** (FEET)	SPECIAL CASE (FEET)
VOLUME						
Low	5	***	-	-	-	-
Medium	10	-	75	-	-	-
High-w/o RT*	75	-	75	150	-	-
High-w RT**	75	-	75	250	500	-
Special Case	10	-	75	75	75	40 ****

1 DPL measured from point of tangency of access to projection of property line on roadway edge.
2 For two or more accesses serving a single parcel, or from a proposed access from an existing access.
3 DSP measured from point of tangency of access to point of tangency of adjacent access.

* High volume access without right turn channelization.
** High volume access with right turn channelization.
*** Low volume accesses are not permitted in combination with other access types on a single lot.
**** Right turn in only upstream of right turn out only. Right turn out followed by right turn in not allowed.

8.3.3 Number of Accesses - The maximum number of accesses onto a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

8.3.3.1 No low volume traffic generator shall have more than two-way access onto a single roadway.

8.3.3.2 No medium or high volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.

8.3.4 Construction Materials/Paving

8.3.4.1 All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelized islands or medians.

8.3.4.2 All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

8.4 TRAFFIC SIGNAL STANDARDS

8.4.1 Purpose - Where traffic signals are to be added or modified, the Town seeks to standardize all equipment and processes associated with traffic signals in order to: enhance the function of the road network to safely accommodate vehicle, bicycle and pedestrian movement; facilitate priority movement of emergency vehicles; minimize, economize and simplify future maintenance and programming and conserve energy.

8.4.2 Required Actions - In addition to actions required elsewhere in these Regulations, the following actions are required:

a. For any development which may adversely impact an individual signalized intersection or group of signalized intersections, a Professional Engineer specializing in transportation engineering shall evaluate the signal hardware and programming at each signal and throughout the system if appropriate. The Engineer shall verify the sufficiency of the current hardware and programming, and shall offer modifications which improve traffic flow. Interconnection shall be required where it will improve traffic system function. The function of the traffic system shall be given higher priority than the function of individual intersections unless otherwise directed by the Department of Public Works.

b. Following installations and initial programming, a final operational inspection shall be made by the designing Professional Engineer to review the effectiveness of the signal timing, signal layout, construction and coordination timing/operation. The Professional Engineer shall specify adjustments needed to ensure safe and efficient operation, and shall subsequently provide to the Public Works Director a written report detailing all aspects of the system.

c. When a new or replacement traffic signal controller is required, the intersection shall be equipped with emergency optical pre-emption.

d. A development which meets both of the following criteria shall provide to the Town one emergency optical pre-emption emitter:

1. the development necessitates either the addition of a traffic signal or the modification of signal programming; and
2. the development generates 1,000 or more vehicle trips per day in the summer season.

e. Modifications to existing traffic signals shall include provisions to replace substandard equipment with new equipment which meets current specifications. The extent to which this replacement falls partially or fully upon the applicant shall be determined by the Planning Board based on the extent of the expected traffic impact.

8.4.3 Specifications - All traffic signal system design, construction and equipment shall meet the Town of York standards, as established and periodically updated by the York Public Works Department.

8.4.4 Required Approval - All traffic signal designs, equipment and programming shall be reviewed and approved by the Department of Public Works.

ARTICLE 9 ... STREETS, STORM DRAINAGE DESIGN AND EROSION CONTROL

9.1 The Board shall not approve any Site Plan or Subdivision Plan unless proposed streets and stormwater management systems are designed in accordance with all local Ordinances and the specifications contained in these regulations. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

9.2 All plans submitted shall meet the submission standards outlined in Section 6.4.14.

9.3 Where the developer proposes improvements, at his expense, within existing public streets, the proposed design and construction details shall be approved in writing by the Superintendent of the Department of Public Works or the Maine Department of Transportation, as appropriate.

9.4 All plans submitted to the Planning Board will be reviewed by the Town Engineer as described in Section 2.3.1 and 5.4.5.

9.5 STREET DESIGN STANDARDS

9.5.1 These design standards shall be met by all streets within the subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

9.5.2 Streets shall be designed to discourage through traffic on minor streets within a residential subdivision.

9.5.3 The arrangement, character, extent, width, grade, and location of all streets shall be considered in relation to existing or planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the street. Within the parameters of Section 9.5.9, grades of streets shall conform as closely as possible to the original topography.

9.5.4 The Planning Board may require the reservation of a 50-foot easement connecting the new street with an external boundary to provide a continuation of the street where future subdivision is possible. This future street will allow for safe future traffic circulation. In a case where the subdivision would land lock hitherto accessible land, the 50-foot reserve strip shall be required by the Planning Board. The Board may also require the reservation of a twenty-foot easement in an appropriate location to provide continuation of pedestrian traffic or utilities to the next street. All easements proposed under this regulation must be deeded to the Town to facilitate their future use for the public good. (Also see Section 7.5.1).

9.5.5 In the event a residential development is proposed in an area zoned for commercial use, the street right-of-way and/or the pavement width shall be increased the amount necessary to bring the street into conformance with the standards for commercial streets in these regulations.

9.5.6 Adequate off-street loading space, paved to the standards herein, shall be provided in connection with lots designed for commercial use.

9.5.7 Where a subdivision boarders an existing street below the standards set herein or when the Comprehensive Plan indicates plans for realignment, widening or improvement of a street that would require use of some of the land in the subdivision, the Plan must show areas reserved for this widening, realigning, or improvement. Land reserved for such purposes may not be counted in satisfying setback, yard, or area requirements of the Zoning Ordinance.

9.5.8 Developments containing fifteen (15) residential units or more, or which generates average daily traffic of 150 trips per day or more, shall have at least two street connections either with existing public streets, or with streets on an approved Subdivision Plan for which a performance guarantee has been filed and accepted. The reason for this policy is

to ensure the volume of traffic passing in front of any house on the street remains at a low, neighborhood-friendly level.

A. Alternatively, a residential street network may be designed with a central Collector street with Minor or Alternative Minor streets accessing the Collector street. No house shall have driveway access onto the collector street. Not more than 14 residential units shall be permitted on each Minor street. Not more than 9 residential units shall be permitted on each Alternative Minor street. With this design option, a dead-end collector street shall not be longer than 2,000', and not more than 50 residential units shall be accommodated on a dead-end collector street.

9.5.9 The following design standards apply according to street classification:

	TYPE OF STREET [4]				
DESCRIPTION	ARTERIAL	COLLECTOR	MINOR	ALTERNATIVE MINOR [3]	IND/COMM
Minimum right-of-way width	80'	60'	50'	50'	80'
Minimum pavement width					
Curbed	44'	34'	26'	Not permitted	44'
Uncurbed	44'	24'	20'	18'	44'
Minimum width of shoulders					
uncurbed (each side)	3'	3'	3'	2'	3'
Minimum sidewalk width	8'	5'	5'	Not permitted	8'
Minimum grade	.5%	.5%	.5%	.5%	.5%
Maximum grade	5%	6%	7%	10%	5%
Maximum grade within 75' of					
any intersection	2%	2%	2%	2%	2%
Minimum centerline radius	800'	300'	150'	150'	800'
Minimum tangent between					
curves of reverse alignment	300'	200'	100'	100'	300'
Roadway crown	¼"/ft	¼"/ft	¼"/ft	¼"/ft	¼"/ft
Minimum angle of street					
Intersection [1]	90°	90°	88°	88°	90°
Curb radii at intersection	30'	20'	15'	15'	30' [2]
Minimum property line radii					
at intersections	20'	10'	10'	10'	20'
Maximum Design Speed	-	-	25 MPH	25 MPH	-
Dead-End Design	n.a.	Cul-de-sac	Cul-de-sac or hammer head	Hammer head	Cul-de-sac

[1] Street intersection angles shall be as close to 90° as feasible, but no less than the listed angle

[2] Should be based on the turning radii of expected commercial vehicles, but no less than 30 feet

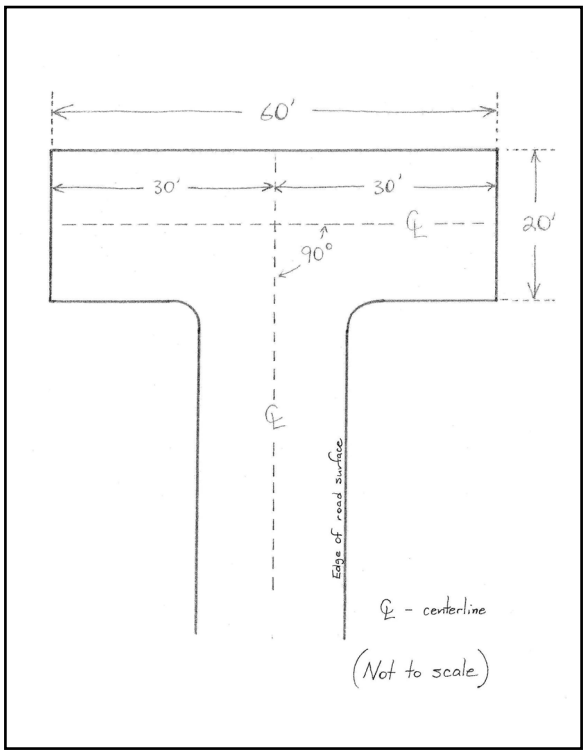
[3] Alternative Minor standards may apply only on dead-end residential streets which provide access to not more than 9 residential units. All other design and construction standards which apply to Minor Streets shall apply to streets designed under this alternative. Roads constructed to these standards shall remain in private ownership because they will not meet standards for public road acceptance.

[4] Compliance with these standards does not ensure compliance with standards for public acceptance of streets. Public acceptance of streets is regulated by the Road Specifications Ordinance (which is scheduled to amended later in 2007). A plan note shall be required for any subdivision which includes a new road. This note shall indicate whether or not the applicant intends to design the roads for public road acceptance, and shall offer a warning to potential buyers that Planning Board approval is not a guarantee of public acceptance of the street.

9.5.10 The centerline of the roadway shall be the centerline of the right-of-way.

9.5.11 Dead-end Streets - In addition to the standards in Section 9.5.9, dead-end streets shall be constructed so as to provide a cul-de-sac or hammer head turnaround with the following requirements:

Property line	75′ radius
Outer edge of pavement	60′ radius
Inner edge of pavement	40′ radius
Hammer head	60′ by 20′, designed in accordance with the following sketch:



Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac.

9.5.12 Driveways.

A. Along any proposed new or reconstructed street or street segment, the design of the street shall include the design for each driveway along that segment. The design shall be limited in scope to the portion of the driveway located within the street right-of-way, and shall ensure that each driveway is designed to accommodate the project's drainage design and traffic safety. The portion of each driveway in the street right-of-way shall be constructed at the same time the road and drainage improvements are constructed to ensure compatibility of design and proper construction, and the cost of driveway construction within the right-of-way shall be included in the financial security for the project. These requirements shall be indicated on the approved plan by means of a plan note.

B. For a lot proposed for a single-family or duplex dwelling unit, the Board may permit the applicant to reserve alternative driveway locations for access to the lot. In such cases, the applicant shall provide a design for each potential driveway, but the requirement for construction during road construction shall be deferred. An additional plan note shall be included on the approved plan to indicate this arrangement. This note shall indicate that the financial security relating to the driveway will be released to the lot owner upon provision of an inspection report by

a professional engineer that one of the driveways has been constructed in accordance with the approved plans, and that all work in the right-of-way is consistent with the approved plans.

9.5.13 The Comprehensive Plan includes a map which depicts the classification of existing streets (see Policy 2.4.9). To help ensure that new streets are properly integrated into this system, the following standards shall apply:

A. A new arterial street must connect to an existing arterial street.

B. A new collector street must connect to an existing arterial or collector street.

9.6 GRADES, INTERSECTIONS AND SIGHT DISTANCES

9.6.1 All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance	125	150	200	250

Stopping sight distances shall be calculated with a height of eye at 3 ½ feet and the height of object at ½ feet.

9.6.2 All new streets or accesses must meet the intersection sight distance requirements outlined in Article 8.2.3 of these regulations.

9.6.3 Cross (four-cornered) street intersections shall be avoided whenever possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.

9.6.4 Sidewalks and Curbing

9.6.4.1 The Planning Board shall require sidewalks when the development is within 1 mile of any school. The Board may also require sidewalks in other locations where appropriate.

9.6.4.2 The Planning Board shall require curbs when the development is located in a section of Town where curbs are either existing, or are in the vicinity so that it can be expected the curbs will form a continuum in the near future. Curbs shall be designed with areas for handicap access.

9.6.4.3 Bituminous Sidewalks - The gravel aggregate sub-base course shall not be less than 12 inches in thickness. The crushed aggregate base course shall be not less than 2 inches in thickness. The not bituminous pavement surface course shall be not less than 2 inches in thickness after compaction.

9.6.4.4 Portland Cement Concrete Sidewalks - The sand base shall be not less than 6 inches in thickness. The Portland Cement concrete shall be reinforced with 6-inch square number 10 wire mesh and shall be no less than 4 inches in thickness.

9.6.4.5 Granite or Portland Cement concrete curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified pavement width shall be measured between the curbs. All curbs shall be vertical except when sloped curbs are specifically allowed by the Planning Board.

9.7 STREET CONSTRUCTION STANDARDS

9.7.1 Minimum thickness of materials after compaction:

	MINIMUM REQUIREMENTS			
STREET MATERIALS	ARTERIAL	COLLECTOR	MINOR	IND/COM
Aggregate sub-base course				
(Maximum size stone = 4")	18"	18"	18"	18"
Crushed aggregate base course	4"	3"	3"	4"
Hot bituminous pavement				
(after compaction)				
Total thickness	3 ¼"	2 ½"	2 ½"	3"
Surface course	1 ½"	1"	1"	1 ¼"
Base course	1 ¾"	1 ½"	1 ½"	1 ¾"

9.7.2 PREPARATION

9.7.2.1 Before any clearing has started on the right-of-way, the center line of the new street shall be staked and sidestaked at 50-foot intervals. Limits of clearing shall be marked by stakes or flagging distances from the center line shall be obtained from the cross sections.

9.7.2.2 Before grading is started, the right-of-way area directly dedicated to the construction of the roadway and shoulders shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from this area.

9.7.2.3 No stumps, wood or organic material shall be covered in the road bed at any depth and no ledge or large boulders shall be left within 18" of the finished road surface. Where necessary to facilitate drainage, line of sight or snow removal, all ledge, large boulders, trees and tree stumps shall be removed from the right of way to a depth of not less than 12" below the road surface. Street grades shall conform in general to the natural terrain. On soils which are not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

9.7.2.4 Side slopes shall not be steeper than a slope of 3 feet horizontal to 1 foot vertical, and shall be graded, fertilized, seeded and mulched according to the erosion control standards in these regulations.

9.7.2.5 New or replacement culverts shall be reinforced, corrugated aluminum alloy, polymer, or pre-coated galvanized corrugated steel pipe. Culverts and drainage systems shall be sized to meet the criteria of a 100 year storm event. Culvert diameter shall not be less than 15", unless 12" is demonstrated to be more appropriate to the site conditions. Decision to allow culvert diameter size reduction shall be determined by the Planning Board.

9.7.3 BASES AND PAVEMENT

9.7.3.1 Aggregate Sub-base Course - Gravel aggregate sub-base shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The matter shall not contain particles of rock exceeding four (4) inches in any dimension and shall meet all Type "B" aggregate requirements of Maine DOT.

Aggregate Base Course - Crushed aggregate base shall not contain particles of rock that will not pass the two (2) inch square sieve and shall meet all Type "A" aggregate requirements of Maine DOT.

9.7.3.2 Pavement - Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade "C" with an aggregate size no more than 1-inch maximum. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade "D" with an aggregate size no more than ¾ inch maximum. Where pavement placed joins an existing pavement, the existing pavement shall be cut along a smooth line to a neat, even, vertical joint.

9.8 STORMWATER MANAGEMENT

9.8.1 Adequate provision shall be made for disposal of all stormwater generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, and storm drains. The stormwater management system shall be designed to conduct storm water flows to existing watercourses or storm drains. No storm water shall be permitted to drain across a street or intersection. All aspects of the drainage plan must be signed and sealed by a Maine Certified Engineer.

9.8.2 All components of the stormwater management system shall be designed to limit the post-development peak discharge to pre-development levels for 2 year and 100 year , 24 hour duration storms, frequencies, based on rainfall data for Portland, Maine. When the subdivision discharges directly into a waterbody, peak discharge may be increased from pre-development levels provided downstream drainage structures are suitably sized.

9.8.3 Where a subdivision is traversed by an existing stream, river, or surface water drainageway, or where the Board feels that surface water run-off to be created by the subdivision should be controlled, there shall be provided public drainage easements with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. The Town shall be provided full right of access to these easements.

9.8.4 Drainage easements for existing watercourses or proposed drainage ways shall be at least twenty feet wide and shall conform substantially with the lines of existing natural drainage. Wider easements will be required where necessary to insure that there can be vehicular access, all flooding is controlled, and stormwater can be disposed of properly.

9.8.5 Appropriate conveyances for outlets to drainage systems must be provided. Where the peak run-off from the subdivision onto other properties is increased either in volume, duration, or direction, easements from the abutting property owners allowing such discharges shall be obtained.

9.8.6 The minimum pipe size for any storm drainage pipe shall be 15 inches unless 12" diameter pipe is demonstrated to be more appropriate to the site conditions. Decision to allow pipe diameter size reduction shall be determined by the Planning Board. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the tope of the pipe.

9.8.7 Catch basins shall be of an appropriate size and shall be located generally at the curb line. Catch basins shall be placed away from the line of traffic flow, but shall be adequate in design and strength to accommodate vehicular traffic.

9.8.8 The stormwater management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved developments. Applicant shall demonstrate in the Preliminary Application submission the upstream conditions and any needed improvement. Upstream run-off shall be included in drainage calculations for the lots under review. The Planning Board may require surplus design capacity, up to a factor of 50%, if an assessment of site conditions and flooding history indicates a need for greater capacity.

9.8.9 Existing or future downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload (1) existing storm drainage systems downstream from the subdivision nor (2) storm drainage systems downstream from the subdivision which appear on an approved plan but which have not yet been constructed. The subdivider shall be responsible for financing any improvements to existing or previously approved drainage systems required to handle the increased storm flows.

9.8.10 Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvements of the system.

9.8.11 Where soils require a subsurface drainage system shall be installed to properly drain all areas where the groundwater level is too high and would cause a hazard to the stability of the roadway base. The subsurface drainage system shall be installed and maintained separately from the stormwater drainage system.

9.8.12 All large parking areas (greater than 20 cars) shall be equipped with an oil/water separation device. The design of such device(s) shall be appropriate for the site on which it is to be located.

9.8.13. Low Impact Design. Each applicant is required to submit a statement to the Planning Board documenting proposed Low Impact Design (LID) for the site, which will help to reduce storm water volumes and help to enhance storm water quality. LID includes, but is not limited to green roofs, rain gardens, tree wells, infiltration basins, and permeable pavement. The applicant shall submit technical documentation about the suitability of such designs with the request for LID features.

9.8.14 Stormwater management structures shall be maintained in perpetuity to function as specified in the application and accompanying deed covenants. In the event the property is conveyed, the new owner shall be responsible for maintenance as specified by the permit and the accompanying deed covenants. Development which disturbs one or more acres of land is also subject to the Post-Construction Stormwater Management Ordinance, which includes annual certifications to the Town that the systems are being maintained. In addition, the town shall have the right to enforce the maintenance requirements or to maintain the drainage swales and structures at the cost of the owner.

9.9 STORM DRAINAGE CONSTRUCTION STANDARDS

9.9.1 Materials

9.9.1.1 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 .01-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 performed plastic

jointing material such as "Ramnek". Perforated concrete pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

9.9.1.2 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 M 196 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 5%.

9.9.1.3 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 III.

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

9.9.1.5 Manholes - Manholes shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with 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.

9.9.1.6 Catch Basins - Catch basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with 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.

9.9.2 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 Municipal Engineer.

9.9.3 Manholes 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 400-foot intervals.

9.9.4 Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

9.10 EROSION AND SEDIMENTATION CONTROL STANDARDS

9.10.1 Procedures shall be undertaken during preparatory, construction and cleanup stages, to prevent soil erosion and water pollution. The Soil Erosion and Sedimentation Plan must be suitable and specific to the characteristics of the site and proposed development. Soil erosion control and sedimentation plans must be submitted in sufficient detail so that all erosion and sedimentation control measures may be properly constructed and maintained in the field and shall meet or exceed the minimum requirements of this Section. (See submission requirements at Section 6.4.15). All soil erosion and sedimentation control plans must meet the requirements of Appendix A of this Regulation, which are at least as stringent as the Basic Standards of the Maine Department of Environmental Protection Chapter 500 Stormwater Rules as of October 2022.

9.11 ADDITIONAL IMPROVEMENTS AND REQUIREMENTS

9.11.1 Clean-Up - Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. All stumps must be disposed of consistent with Section 7.12 and/or any notations on the face of the Plan.

9.11.2 Street Name, Street Signs and Street Lights - New streets shall be named in accordance with York's E911 Ordinance. Street name signs shall be furnished and installed by the developer. The type, size and location of the signs shall be subject to approval by the Public Works Department. Street lighting shall be installed as required by the Planning Board.

9.11.3 Design and Construction Plans

9.11.3.1 Plans and illustrations submitted in accordance with Section 6.4.14 shall be designed and prepared by a Professional Engineer registered in the State of Maine. No construction will be permitted until the Planning Board has approved the plans.

9.11.3.2 Utilities shall be installed prior to the street construction so as to avoid re-excavation of the finished street.

9.11.3.3 Following construction, "as built" plans must be submitted to the Department of Public Works.

ARTICLE 10 ... PERFORMANCE GUARANTEE

10.1 TYPES OF PERFORMANCE GUARANTEES

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover 125% of the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:

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

10.1.2 A performance bond payable to the Town of York issued by a surety company, approved by the Board of Selectmen or Town Manger.

10.1.3 An irrevocable letter of credit from a financial institution approved by the Board of Selectmen or Town Manger that establishes funding for the construction of the subdivision, from which the Town of York may draw if construction is inadequate.

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

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Town engineer, Code and Planning Department staff, Town Manager, Attorney or similar Town representative.

10.2 CONTENTS OF GUARANTEE

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

10.3 ESCROW ACCOUNT

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town of York, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the Town of York shall be named as owner or co-owner, and the consent of the Town of York shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the Town of York has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

10.4 PERFORMANCE BOND

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the Town of York. The bond documents shall specifically reference the application for which approval is sought.

10.5 LETTER OF CREDIT

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

10.6 CONDITIONAL AGREEMENT

The Board, at its discretion, may provide for the applicant to enter into a binding agreement with the Town of York in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the final plan on the condition that no lots or units are sold and no building permits may be obtained until either:

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

10.6.2 A performance guarantee, acceptable to the Town, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantee contained in Section 10.8.

10.7 PHASING OF DEVELOPMENT

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

10.8 RELEASE OF PERFORMANCE GUARANTEE

When all required public improvements have been completed according to the standards herein, the developer may request the Board of Selectmen release the performance guarantee. Prior to the release of any part of the performance guarantee, the Board of Selectmen shall determine to its satisfaction, in part upon the report of the Town Engineer and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for the project or that portion or phase of the development for which the release is requested. Upon favorable review by the Board of Selectmen they shall vote their approval of the release of the performance guarantee, and issue such approval in writing to the developer.

10.9 DEFAULT

If upon inspection, the Town Engineer or other qualified individual retained by the Town finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Code Enforcement officer, the Board of Selectmen, the Planning Board, and the applicant or builder. The Board of Selectmen shall take any steps necessary to preserve the Town of York's rights.

10.10 IMPROVEMENTS GUARANTEED

10.10.1 Except as provided below, performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, pedestrian amenities, stormwater management facilities, public sewage collection or disposal facilities and public water systems, and erosion and sedimentation control measures. In the event that the applicant is required by another government entity to secure in advance the total cost of installation or completion, such improvements shall be exempt from inclusion in the performance guarantee provided to the Town.

10.10.2 A performance guarantee shall be tendered for an amount sufficient to enable the Town to stabilize the site at any point during construction if the developer is unable to complete

the project as planned. Stabilization of the site shall consist of any and all grading and revegetation as may be necessary to return the site to a condition where erosion control measures are no longer necessary and stormwater impacts on abutting properties are eliminated. Site stabilization shall also include the capping or removal of any utility or any partial structure which presents a public health or safety hazard.

ARTICLE 11 ... INSPECTIONS AND ENFORCEMENT

11.1 PROFESSIONAL INSPECTION AND CERTIFICATION OF PROJECT COMPLIANCE

The purpose of this section is to help ensure projects are built in full compliance with design plans approved pursuant to these Regulations, and to identify non-compliance issues as a way to enhance and simplify enforcement.

A. Inspection and Certification by the Design Professionals.

1. The Planning Board shall be authorized to require each State-licensed design professional (limited to professional engineers, architects, and landscape architects) responsible for design elements of an approved plan to provide a written evaluation with regard to the finished project prior to the issuance of an occupancy permit. This evaluation shall be based on periodic on-site inspections by the professional(s) during the construction of the project, and shall explicitly state whether or not the project is built in full compliance with the approved design plans. Each design professional shall attest only to those aspects of the plan for which they are responsible. The evaluation shall be certified by stamp and signature of the professional.

2. The requirement to provide a written evaluation shall be imposed during the application-approval process. If a temporary occupancy permit is requested, the CEO shall require an interim written evaluation. The interim written evaluation shall evaluate compliance of work performed to date, and shall list remaining work necessary to complete the project in accordance with the approved plans.

3. This provision shall be in addition to other inspection requirements authorized by the Town codes. The cost of compliance with work required pursuant to this Section shall be the responsibility of the applicant.

B. Town Inspection. In addition to the inspection and certification procedures for the design professionals, the Board may require its own periodic inspections by a Professional Engineer during project construction. The Professional Engineer shall be responsible for observing all on-site and off-site construction work and site improvements with the exception of buildings. The engineer shall have no enforcement authority, but shall prepare periodic reports and provide same to the Planning Board, and is hereby authorized to request that the Code Enforcement Officer take enforcement actions as necessary to ensure compliance. This inspection work shall be paid from the inspection fee paid pursuant to §2.3.2.

11.2 VIOLATIONS AND ENFORCEMENT

11.2.1 No depicting a development which would constitute a subdivision as defined herein shall be filed or recorded in the Registry of Deeds until a Final Plan has been approved and signed by the Planning Board in accordance

11.2.2 No person, firm, corporation or other legal entity may convey, offer, or agree to convey any land in an approved subdivision which has not been shown on the Final Plan as a separate lot, approved by the Planning Board and recorded in the Registry of Deeds, unless or until the Final Plan has been amended and that amendment approved by the Planning Board.

11.2.3 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 $5,000 plus any legal expenses incurred by the Town in enforcing these regulations for each such conveyance, offering or agreement.

The Attorney General, the municipality, or the appropriate municipal officers may institute proceedings to enjoin the violation of these regulations.

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

11.2.5 Development of a Site Plan or subdivision without Board approval shall be a violation of law. Development includes clearing, grading or construction of streets, grading of land or lots, or construction of buildings which require a final plan approved as provided in these regulations. No development of a subdivision will be permitted until the Final Plan has been recorded, and copies returned to the Town pursuant to Section 5.5.1.

11.2.6 Default - Any developer who 1) fails to perform any required improvements in accordance with any timetable established at the time of final plan approval, 2) completes required improvements in a manner which, although timely, is not acceptable to the Town, or 3) maintains a situation that is a hazard to public health and safety shall be deemed in default. In addition, a developer shall be deemed in default if any required improvement is not completed in accordance with the plan and all applicable regulations before the expiration date of any performance guarantee tendered by the developer to the Town with respect to required improvements. The Town will not be required to initiate action to exercise its rights under any financial performance guarantee in order to declare a developer in default. For the purposes of interpreting this paragraph, "hazards to public health and safety" shall include, but not be limited to, inadequate drainage, stormwater management, or erosion and sedimentation control measure.

11.2.7 No plan shall be reviewed or approved by the Board as long as the developer is in default or in violation of any of the provisions on a previously approved plan, as determined through the process outlined in Section 11.2.6 and 11.2.9.

11.2.8 Before any building permits may be issued, all public improvements must be constructed to the standards outlined in these regulations and the Final Plan approval, including the installation of the monumentation as described in Section 7.18. Such determination will be made through the provisions of Article 11.

11.2.9 It shall be the duty of the Code Enforcement Officer to enforce the provision of these regulations, and to insure that projects are constructed in strict compliance with the Final Plan and these regulations. The Code Enforcement Officer is responsible for bringing to the attention of the Planning Board and Board of Selectmen any violations or lack of compliance. If at any time during the construction of the development, construction is not proceeding in accordance with the plan and these regulations, or a hazard to public health and safety exists, the CEO shall notify the developer in writing of the deficiency and state the corrective actions necessary and the time period within which corrective action must be taken. The CEO may specify that no other construction activities shall continue until the condition is corrected. If this is specified, the developer will be considered to be in default until the CEO gives notice that the condition is satisfactorily corrected. For purposes of interpretation of this paragraph, hazards to public health and safety shall include but not be limited to lack of adequate drainage, stormwater and erosion and sedimentation control measures.

11.2.10 Any violation of the provisions in these regulations shall be deemed a civil violation, punishable by law with each day such violation continues constituting a separate offense.

ARTICLE 12 ... WAIVERS

12.1 Where the Board makes written Findings of Fact that there are special circumstances of a particular development, it may waive portions of these regulations, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purposes of the Comprehensive Plan, the Zoning Ordinance, or these regulations, and provided the criteria of the State Subdivision Law are met. Findings of Fact prepared under this Section must be consistent with the requirements for Findings of Fact found in 30-A MRSA, Sections 4401 through 4407.

12.2 In granting waivers to any of these regulations in accordance with Section 12.1, the Board shall require such conditions as will assure the objectives of these regulations are met.

12.3 Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a waiver from any applicable subdivision regulation, that fact shall be expressly noted on the face of the Final Plan to be recorded in the Registry of Deeds. In the case of an amendment, if no amended plan is to be recorded, a certificate shall be prepared in recordable form and recorded in the Registry of Deeds. This certificate shall:

a. Indicate the name of the current property owner;
b. Identify the property by reference to the last recorded deed in its chain of title; and
c. Indicate the fact that a waiver, including any conditions on the waiver, has been granted and the date of that granting.

The waiver will not be valid until recorded as provided in this paragraph. Recording must occur within 30 days of the final subdivision approval or approval of an amendment or the waiver will be void.

12.4 All of the provisions of these regulations apply unless specifically waived by the Planning Board and listed on the plan through the process outlined in Sections 12.1, 12.2, 12.3 and 12.4.

ARTICLE 13 ... APPEALS

13.1 An aggrieved party may appeal the approval or denial of a plan by the Planning Board under these regulations to the Board of Appeals, within thirty days of the vote of the decision, pursuant to Charter §7.C.3. The Board of Appeals' decision may be appealed to the York County Superior Court following the procedure contained in the Zoning Ordinance.

Appendix A Standard Erosion and Sedimentation Control Measures

The Erosion and Sedimentation Control Plan required by this Regulation shall be developed and implemented to include mandatory minimum standards that are based upon the Maine Department of Environmental Protection's 06-096 CMR Chapter 500 Stormwater Management Rule Appendices A, B, and C.

Where not otherwise specified in this Appendix, the Erosion and Sedimentation Control Best Management Practices shall be designed using Performance Standards specified in the Maine Erosion and Sediment Control BMPs Manual for Designers and Engineers developed by the Maine Department of Environmental Protection (October 2016 or most current version).

General Standards:

Topsoil shall be considered part of the development. Except for surplus topsoil from streets, parking areas, and building excavations, topsoil is not to be removed from the site.

Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion.

The top of a cut or bottom of a fill section shall not be closer than ten feet to an adjoining property, unless otherwise specified approved by the Planning Board.

General Timing of Installation and Maintenance until Permanent Stabilization

Only areas going into immediate construction shall be stripped and graded. Sedimentation Control BMPs must be in place before Construction Activity begins.

- Additional Erosion and Sedimentation Control BMPs must be phased in as appropriate.
- Erosion and Sedimentation Control BMPs must remain in place and functional until the development is permanently stabilized.
- Adequate and timely maintenance of Erosion and Sedimentation Control BMPs must be conducted until permanent stabilization is achieved.

1. Pollution Prevention: Minimize Disturbed Area and protect natural downgradient buffer areas, plus any areas where stormwater may flow off-site, to the extent practicable. Control stormwater volume and velocity within the development to minimize soil erosion. Minimize the disturbance of steep slopes. Control stormwater discharges, including both peak flow rates and volume, to minimize erosion at outlets. The discharge shall not result in erosion of any open drainage channels, swales, stream channels or stream banks, as well as upland, coastal or freshwater wetlands off the development.
    a. Whenever practicable, no disturbance activities shall take place within 50 feet of any Protected Natural Resource as defined by the Maine DEP Chapter 500 regulations.
    b. If it is not practicable to maintain the 50-foot buffer of no disturbance, the Erosion and Sedimentation Control Plan must include redundant (at least two) perimeter control measures that are appropriate for the soil and slope.
2. Sediment Barriers: Prior to construction, properly install sediment barriers at the downgradient edge of any area to be disturbed and adjacent to any drainage channels within the Disturbed Area. Sediment barriers shall be installed downgradient of soil and sediment stockpiles and stormwater must be prevented from running onto the stockpile. Maintain the sediment barriers by removing accumulated sediment, or removing and replacing the barrier, until the Disturbed Area is permanently stabilized. Where a Discharge to a storm drain inlet occurs, you must install and maintain protection measures that remove sediment from the Discharge. Storm drain inlet protection must include effective curb inlet or "back throat" protection, where applicable.
3. Stabilized Construction Entrance: Prior to construction, properly install a stabilized construction entrance (SCE) at all points of egress from the Disturbed Area of the development. The SCE is typically a stabilized pad of aggregate, underlain by a geotextile filter fabric, or an engineered track-out control mat which has been approved by Maine DEP which is used to prevent traffic from tracking material away from the Disturbed Area of the development onto public ROWs. Maintain

the SCE until all Disturbed Areas are stabilized. If an alternate SCE has been approved by Maine DEP, provide proof of this with the application.

4. Temporary Stabilization:

   a. Within 7 days of the cessation of Construction Activities in an area that will not be worked for more than 7 days, stabilize any exposed soil with mulch, or other non-erodible cover.

   b. Stabilize areas within 75 feet of a wetland or waterbody within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.

5. Removal of Temporary Measures: Remove any temporary control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.

6. Permanent Stabilization: If the Disturbed Area of the development or a portion of the Disturbed Area of the development will not be worked for more than 60 days or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend the Disturbed Area subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding so to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established with 90% cover by healthy vegetation. Newly seeded areas shall be adequately watered during July and August. If necessary, areas must be reworked and restabilized if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. Permanent Stabilization Definitions are as follows:

   a. Seeded Areas: For seeded areas, permanent stabilization means a 90% cover of the Disturbed Area with mature, healthy plants with no evidence of washing or rilling of the topsoil.

   b. Sodded Areas: For sodded areas, permanent stabilization means complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.

   c. Permanent Mulch: For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion control mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.

   d. Riprap: For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.

   e. Paved Areas: For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed, provided it is free of fine materials that may run off with a rain event.

   f. Ditches, Channels, and Swales: For open channels, permanent stabilization means the channel is stabilized with a 90% cover of healthy vegetation, with a well-graded riprap lining, turf reinforcement mat, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or downcutting of the channel.

7. Winter Construction: Winter construction is Construction Activity performed during the period from October 1 through April 15. If Disturbed Areas are not stabilized with permanent measures by

October 1 or new soil disturbance occurs after October 1, but before April 15, then these areas must be protected and runoff from them must be controlled by the following additional winter construction measures and restrictions:

a. Site Stabilization: Hay mulch is applied at twice the standard temporary stabilization rate. At the end of each construction day, areas that have been brought to final grade must be stabilized. Mulch may not be spread on top of snow.

b. Sediment Barriers: All areas within 75 feet of a Protected Natural Resource must be protected with a double row of sediment barriers.

c. Ditch Lines: Ditch lines must be stabilized with an appropriate stone lining backed by an appropriate gravel bed or geotextile unless specifically released from this standard by the Maine DEP. If release from Maine DEP has been granted, provide proof of this with the application.

d. Slopes: Mulch netting must be used to anchor mulch on all slopes greater than 8% unless erosion control blankets or erosion control mix is being used on these slopes. Unvegetated slopes less than 8% must be protected with an erosion control blanket, erosion control mix, or riprap.

e. Areas with winter stabilization shall be reseeded by May 15 or within 30 days of exposure of the soil, whichever is later.

8. Stormwater Channels: Each channel shall be constructed in sections so that the section's grading, shaping, and installation of the permanent lining can be completed the same day. If a channel's final grading or lining installation must be delayed, then diversion berms must be used to divert stormwater away from the channel, properly spaced check dams must be installed in the channel to slow the water velocity, and a temporary lining installed along the channel to prevent scouring.

9. Sediment Basins: Sediment basins that will be used to control sediment during construction activities must be designed to provide storage for either the calculated runoff from a 2-year, 24-hour storm or provide for 3,600 cubic feet of capacity per acre draining to the basin. Outlet structures must discharge water from the surface of the basin whenever possible. Erosion controls and velocity dissipation devices must be used if the discharging waters are likely to create erosion. Accumulated sediment must be removed as needed from the basin to maintain at least half of the design capacity of the basin. Clearly visible staking must be installed with marks showing the elevation of half design capacity for easier inspection.

   The use of cationic treatment chemicals in Sediment Basins, such as polymers, flocculants, or other chemicals that contain an overall positive charge designed to reduce turbidity in stormwater may only be used if proof of approval by Maine DEP is provided.

10. Phasing Plan Requirements: No phasing plan is required if the contractor will limit the Disturbed Area to a maximum of 5 acres of disturbance across the development at any time. If the Construction Activity will result in more than 5 acres of Disturbed Area at any one time, the Contractor shall provide a phasing plan showing:

    a. the initial 5-acre area to be disturbed;

    b. which portions of the initial disturbance will be stabilized, and what temporary or permanent stabilization methods will be used;

    c. which areas will be subsequently disturbed and what temporary or permanent stabilization methods will be used; and

d. a description of each phase of disturbance and stabilization which clearly describes the total areas in square feet or acres such that the 5-acre Disturbed Area limit at any one time is met throughout the entire project.

Inspection, Maintenance and Corrective Action by Applicant On-Site Personnel During Construction

During construction, the following are inspection, maintenance, and corrective action requirements that must be implemented by the applicant or their on-site representative:

1. Inspection: Disturbed and Impervious Areas, Erosion and Sedimentation Control BMPs, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the development are inspected at least once a week, as well as before and within 24 hours after a storm event (rainfall) and prior to completing permanent stabilization measures. A Qualified Erosion and Sedimentation Control Professional shall conduct the inspections.
2. Maintenance and Corrective Action: If Erosion or Sedimentation Control BMPs need to be maintained, or repaired or enhanced (corrective action), the work shall be initiated upon discovery of the problem but no later than the end of the next workday. If additional Erosion or Sedimentation Control BMPs or significant repair of Erosion or Sedimentation Control BMPs are necessary, implementation must be completed prior to any storm event (rainfall) and within 7 calendar days of identification. All measures must be maintained in effective operating condition until areas are permanently stabilized.
3. Documentation: A log (report) summarizing the inspections and any repairs or enhancements (corrective actions) added must be maintained by the applicant. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the Parcel. Major observations must include Erosion and Sedimentation Control BMPs that need maintenance, Erosion and Sedimentation Control BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional Erosion and Sedimentation Control BMPs are needed. The log must document each Erosion and Sedimentation Control BMP requiring maintenance, Erosion and Sedimentation Control BMP needing replacement, and location needing additional Erosion and Sedimentation Control BMPs, as well as the corrective action taken and when it was taken. The log shall be maintained for at least three years from the completion of permanent stabilization.

Housekeeping Requirements

1. Spill Prevention: Controls must be used to prevent pollutants from construction and waste materials stored on-site from entering stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The development contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.
2. Groundwater Protection: During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the development draining to an infiltration area. An infiltration area is any area of the development that by design or because of soils, topography, and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the development for the purposes of storage and handling of these materials.
3. Fugitive Sediment and Dust: Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance shall be included to minimize tracking of mud and sediment. If off-site tracking occurs, public roads shall be swept immediately and no less than once a week, as well as prior to significant storm events. During dry months, operations that experience fugitive dust problems, shall wet down unpaved access roads once a week, or more frequently as needed, with a water additive to suppress fugitive sediment and dust.

4. Debris and Other Materials: Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source. Sediment generated by concrete or mortar mixing, brick cutting and saw cutting activities must be contained (e.g., sausage boom, straw bales, etc.) and cleaned up using dry methods (i.e., sweeping or vacuuming) to prevent it from entering drainage structures or water resources. These activities shall be done on vegetated areas whenever possible and away from drainage structures and water resources.

5. Excavation Dewatering: Excavation dewatering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or otherwise treated to collect the maximum amount of sediment possible, like a coffer dam sedimentation or sediment filter bag. Avoid allowing this water to flow over Disturbed Areas of the development. If the Maine DEP has approved equivalent measures, provide proof of approval. Note that discharged excavation dewater fluids from the development must be visually clear (no visible suspended or settleable solids).

6. Washout from Concrete, Stucco, Paint, Curing Compounds, or Other Construction Materials: If washout/cleanout is to be completed on the development, a designated area(s) shall be established and marked on the Erosion and Sedimentation Control Plan. This area shall be a minimum of 50 feet from all drainage structures, ditches, waterbodies, and resource areas, as well as property boundaries. The area shall not have an outlet to discharge wastes or flows. No detergents shall be used and no vehicles may be washed in this location. A leak-proof pit or container shall be established in the washout area(s), to which washings shall be directed. This area shall be used for washout containment and dewatering by evaporation only. The pit shall not allow infiltration to occur. To prevent clean water from entering the pit, the washout area shall be covered during precipitation events. Inspections of the pit shall be conducted daily to ensure no leaks are present and no discharge is occurring.

7. Authorized Non-stormwater Discharges: Identify and prevent contamination by non-stormwater Discharges. Where allowed non-stormwater Discharges exist, they must be identified, and steps shall be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the Discharge. Authorized non-stormwater Discharges are:

    a. Discharges from firefighting activity

    b. Hydrant flushing if dechlorinated to 0.05 mg/l or less

    c. Vehicle wash water if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage, and transmission washing is prohibited)

    d. Dust control runoff, if it does not cause erosion

    e. Routine external building washdown, not including surface paint removal, that does not involve detergents

    f. Pavement wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used

    g. Uncontaminated air conditioning or compressor condensate

    h. Uncontaminated groundwater or spring water

    i. Foundation or footer drain-water where flows are not contaminated

    j. Uncontaminated excavation dewatering per item 5 Excavation Dewatering

    k. Potable water including waterline flushings

    l. Landscape irrigation

8. Unauthorized Non-stormwater Discharges: The following Discharges are prohibited:

    a. Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds, or other construction materials;

b. Fuels, oils, or other pollutants used in vehicle and equipment operation or maintenance;

c. Soaps, solvents, or detergents used in vehicle and equipment washing; and

d. Toxic or hazardous substances from a spill or other release.

APPENDIX "B"

Town of York: Certificate of Monument Installation

Subdivider's Name:_____

Subdivision Name: _____

Tax Map and Lot:_____

Surveyor of Approved Plan:_____

Date of Planning Board Preliminary Approval:_____

Number of bounds required by Final Plan:_____

"I hereby certify that the monumentation required on the above referenced plan has been accurately installed under my supervision and said monumentation complies with § 7.18 of the York Site Plan and Subdivision Regulations."

Signature of Surveyor:_____
Date:_____

Surveying
Company:_____Telephone:_____

Seal of Surveyor