ARTICLE I - PURPOSES

The purposes of this ordinance are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Morrill, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Morrill, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this ordinance have been met and that the proposed subdivision will meet the guidelines of Title 30A, M.R.S.A. §4404. The subdivision:

1.1. 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 flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents;

1.2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

1.3. Will not cause an unreasonable burden on an existing water supply;

1.4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

1.5. 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;

1.6. Will provide for adequate solid and sewage waste disposal;

1.7. Will not cause an unreasonable burden on the ability of the Town of Morrill to dispose of solid waste and sewage;

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

1.9. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, districting ordinance, or shore land zoning ordinance.

1.10. The sub-divider has adequate financial and technical capacity to meet the above stated standards.

1.11. Whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water.

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

1.13. All principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

1.14 The town does not accept subdivision roads, road repairs or maintenance, and/or easements.

ARTICLE II - AUTHORITY AND ADMINISTRATION

2.1. Authority.

2.1.1 This ordinance has been prepared in accordance with the provisions of Title 30A M.R.S.A., §4403.

2.1.2 This ordinance shall be known and may be cited as “Subdivision Ordinance of the Town of Morrill, Maine.”

2.2. Administration.

2.2.1 The Planning Board of the Town of Morrill, hereinafter called the Board, shall administer this ordinance.

2.2.2 The provisions of this ordinance shall pertain to all land proposed for subdivision, as defined in Title 30A M.R.S.A., §4401, Subsection 4, within the boundaries of the Town of Morrill.

ARTICLE III - DEFINITIONS

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of the municipality as defined in Title 30A M.R.S.A., Section 4326.

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and roads.

Driveway: A vehicular access-way serving two dwelling units or less.

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

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

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision 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 the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

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

Normal High Water Mark of Inland Waters: That line on the shores of banks on non-tidal waters which is apparent because of the different character of the contiguous soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.

Industrial Park or Development: A subdivision in an area zoned exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Official Submittal Date: The date upon which the Board issues a receipt indicating a complete application has been submitted.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planned Unit Development: A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: The Municipal Reviewing Authority of the Town of Morrill, Maine as defined by 30A M.R.S.A. Section 4301, Subsection 12.

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

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Re-subdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the sub-divider not indicated on the approved plan.

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

Road Classification:

Arterial road: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial roads: Routes 17, 105, 126, 206, 220.

Collector road: A road servicing at least fifteen lots or dwelling units, or roads which serve as feeders to arterial roads, and collectors of traffic from minor roads.

Industrial or Commercial road: Roads servicing industrial or commercial uses.

Minor road: A road servicing less than fifteen lots or dwelling units.

Private Right of Way: A vehicular access-way serving no more than eight dwelling units, which is not intended to be dedicated as a public way.

Solar Collector: A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes to a building's energy supply.

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (when used), and components for the distribution of transformed energy.

Subdivision: The division of a tract or parcel of land into three or more lots or dwelling units within any five-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood marriage or adoption, unless the intent of such gift is to avoid the objectives of these regulations, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of these regulations.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create the third lot, unless both such divisions are accomplished by a sub-divider who shall have retained one of such lots for his own use as a single family residence for a period of a least five years prior to such second dividing. Notwithstanding the provisions of the State Subdivision Law 30A M.R.S.A., § 4401(4)(c) as amended, lots of forty or more acres shall be counted as lots.

For the purposes of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or

parcel of land unless such road was established by the owner of land on both sides thereof.

Subdivision, Major: Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed road.

Subdivision, Minor: Any subdivision containing not more than four lots or dwelling units, and in which no road is proposed to be constructed.

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

ARTICLE IV - ADMINISTRATIVE PROCEDURE

4.1. **Purpose.** The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

4.2. **Agenda.** In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least three weeks in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.

ARTICLE V - PREAPPLICATION

5.1. **Procedure.**

5.1.1 Applicant presentation and submission of sketch plans.

5.1.2 Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.

5.1.3 Scheduling of on-site inspection.

5.2. **Submission.** The Pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of roads, 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. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. 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 subdivision, unless the proposed subdivision is less than ten acres in size.

5.3. **Contour Interval and On-Site Inspection.** Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision. The Board or its designated agent shall, at its earliest convenience and normally within 30 days, make an on-site inspection. If any conditions such as snow exist to prevent an adequate inspection in the opinion of the Board, the applicant shall be notified in writing, and any time limits for review shall be extended accordingly until an on-site inspection can be made. The applicant shall place "flagging" at the centerline of any proposed roads, and at the approximate intersections of the road centerlines and lot corners, prior to the on-site inspection.

5.4. **Rights not Vested.** The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., §302.

ARTICLE VI - MINOR SUBDIVISIONS

6.1. **General.** The Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.

6.2. Procedure.

6.2.1 Within six months after the pre-application submission or the on-site inspection by the Board, the sub-divider shall submit an application for approval of a Final Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

6.2.2 All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee to be found in the Town of Morrill Fee Schedule payable by check to the Town of Morrill Planning Board Account. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification.

6.2.3 The sub-divider, or his duly authorized representative, shall attend the meeting of the Board and be prepared to discuss the Preliminary Plan.

6.2.4 The Planning Board shall notify all owners of abutting property that an application for subdivision approval has been submitted to the Board, and the Board shall publish notification, in local media, that an application has been submitted, noting the size in total acres of the proposed subdivision and the location of the proposed subdivision.

6.2.5 Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the sub-divider. The Board shall determine whether to hold a public hearing on the Final Plan application.

6.2.6 If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in local media at least two times, the date of the first publication to be at least seven days prior to the hearing.

6.2.7 Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the sub-divider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

6.3. Submissions.

The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Copies of all information accompanying the plan shall be submitted in sufficient numbers for use by the Registry of Deeds, Municipal Office for public viewing, Planning Board members, and review agencies and consultants as required by the Board.

The application for approval of a Minor Subdivision shall include the following information:

6.3.1 Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

6.3.2 Verification of right, title, or interest in the property.

ARTICLE VII - PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1. Procedure.

7.1.1. Within six months after the pre-application submission or on-site inspection by the Board, the sub-divider shall submit an application for approval of a Preliminary Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

7.1.2 All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee stated in Town of Morrill Fee Schedule, payable by check to the Town of Morrill Planning Board Account. In addition, at its discretion the Board may consult with agencies or persons of recognized special authority in the fields of traffic engineering, environmental protection, land use, fish and wildlife management, geology, air or water quality, solid or liquid waste disposal, or other fields as appropriate. Consultation from sources without fee shall be used first, if available. If not, the fees shall be the responsibility of the applicant who shall be notified in advance of the estimated fees. The amount of said fees shall be paid by the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover all costs of advertising and postal notification and dissemination of information.

7.1.3 The sub-divider, or his duly authorized representative, shall attend the meeting of the Board and be prepared to discuss the Preliminary Plan.

7.1.4 The Planning Board shall notify all owners of abutting property that an application for subdivision approval has been submitted to the Board, and the Board shall publish notification, in local media, that an application has been submitted, noting the size in total acres of the proposed subdivision and the location of the proposed subdivision.

7.1.5 Within thirty days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

7.1.6 Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the sub-divider. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Board shall notify the Clerk and the Chairman of the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

7.1.7 The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the sub-divider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

7.1.8 When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

7.1.8.1 The specific changes which it will require in the Final Plan;

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

7.1.8.3 The amount and type of all performance guarantees which it will require as prerequisite to the approval of the Final Plan;

7.1.9 Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment

of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

7.2. Submissions.

7.2.1 Location Map. The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:

7.2.1.1 Existing subdivisions in the proximity of the proposed subdivision.

7.2.1.2 Locations and names of existing and proposed roads.

7.2.1.3 Boundaries and designations of districts.

7.2.1.4 An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

7.2.2 Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the Plan(s) reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:

7.2.2.1 Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers.

7.2.2.2 Verification of right, title, or interest in the property.

7.2.2.3 An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments.

7.2.2.4 A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

7.2.2.5 A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.

7.2.2.6 Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.

7.2.2.7 The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.

7.2.2.8 Indication of the type of sewage disposal to be used in the subdivision:

When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

7.2.2.9 Indication of the type of water supply system(s) to be used in the subdivision:

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

7.2.2.10 The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, sub-divider, and individual or company who prepared the plan. If the sub-divider is not the owner of the property, evidence of the sub-divider's right, title or interest to the property.

7.2.2.11 The names and addresses of owners of record of adjacent property, including any property directly across an existing public road from the subdivision.

7.2.2.12 The location of any districting boundaries within 1000 feet of any part of the proposed subdivision.

7.2.2.13 The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

7.2.2.14. The location, names, and present widths of existing and proposed roads, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

7.2.2.15 The width and location of any roads or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.

7.2.2.16 The proposed lot lines with approximate dimensions and lot areas.

7.2.2.17. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

7.2.2.18 The location of any open space to be preserved and a description of proposed improvements and its management.

7.2.2.19 A copy of that portion of the county Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil survey or a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geo-technics, indicating the suitability of soil conditions for those uses.

7.2.2.20 If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

7.2.2.21 A hydro-geologic assessment, prepared in accordance with Section 11.12.A of this Ordinance by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when

7.2.2.21.1 Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydro-geologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, Map No. 18; or a primary recharge area to an aquifer, or

7.2.2.21.2 The subdivision has an average density of less than 100,000 square feet per dwelling unit.

7.2.2.22 An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. A traffic impact analysis shall be required for subdivisions proposed to be accessed by roads that do not meet minimum standards as outlined in Article 12 of this document.

7.2.2.23 For subdivisions 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 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 road giving access to the site and neighboring roads which may be affected, and recommended improvements to maintain the desired level of service on the affected roads. 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.

7.2.2.24 For projects within lake watershed districts a phosphorus control analysis and plan shall be submitted for review and approval.

ARTICLE VIII - FINAL PLAN FOR MAJOR SUBDIVISION

8.1. Procedure.

8.1.1 The sub-divider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan at least seven days prior to a scheduled meeting of the Board. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval,the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.

8.1.2 All applications for Final Plan approval for Major Subdivision shall be accompanied by an application fee of $30 per lot or dwelling unit payable by check to the Town of Morrill Planning Board Account. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising, postal notification and dissemination of information.

8.1.3 Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:

8.1.3.1. Maine Department of Environmental Protection, under the Site Location of Development Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.

8.1.3.2. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.

8.1.3.3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

8.1.4 The sub-divider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

8.1.5 Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the sub-divider. The Board shall determine whether to hold a public hearing on the Final Plan application.

8.1.6 A public hearing may be held by the Board within thirty days after the issuance of a receipt for the submittal of a complete application . This hearing shall be advertised the Rockland *Courier Gazette* at least two times, the date of the first publication to be at least seven days before the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing.

8.1.7 The Board shall notify the Selectmen, Code Enforcement Officer, Road Commissioner, School Superintendent, Law Enforcement Agencies, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials submit written statements, signed and dated, attesting to the adequacy of their department's existing capital facilities to service the proposed subdivision. Comment on the adequacy before and after the proposed development of the Town of Morrill's a. Solid waste disposal facility, b. roads, c. schools, d. fire protection, and e. police protection shall be included

8.1.8 Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Article XIII.

8.1.9 If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.

8.1.10 The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30, M.R.S.A. §4956, subsection 3 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute or these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

8.2. Submissions.

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The sub-divider may, instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan. In addition, one copy of the Final Plan, reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

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

8.2.1 Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

8.2.2 An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

8.2.3 The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

8.2.4 Indication of the type of sewage disposal to be used in the subdivision.

8.2.5 Indication of the type of water supply system(s) to be used in the subdivision.

8.2.5.1 When water is to be supplied by private and/or communal wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydro-geologist familiar with the area.

8.2.5.2 A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.

8.2.6 The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, sub-divider, and individual or company who prepared the plan.

8.2.7 The location of any districting boundaries within 1000 feet of any part of the subdivision, and the location of the proposed subdivision within the Town of Morrill boundaries.

8.2.8 The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

8.2.9 The location, names, and present widths of existing and proposed roads, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every road line, 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 road shall be included.

8.2.10 A soil erosion and sedimentation control plan, prepared in accordance with the standards contained in the latest revised edition of the *Environmental Quality Handbook* published by the U.S. Soil Conservation Service.

8.2.11 A plan for the disposal of surface drainage waters prepared by a Registered Professional Engineer, in accordance the latest revised edition of Technical Release 55, *Urban Hydrology for Small Watersheds* published by the U.S. Soil Conservation Service.

8.2.12 The width and location of any roads or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.

8.2.13 All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

8.2.14 A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:

Schools, including busing
Road maintenance and snow removal
Police and fire protection
Solid waste disposal
Recreation facilities
Storm water drainage
Wastewater treatment
Water supply

The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

8.2.15 If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

8.3. Final Approval and Filing.

8.3.1 No plan shall be approved by the Board as long as the subdivider is in violation of the provisions on a previously approved Plan.

8.3.2 Upon findings of fact and determination that all standards in Title 30A, M.R.S.A. §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

8.3.3 At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Board shall require the Plan to be divided into sections to prevent classroom overcrowding.

8.3.4 No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Article IX. The Board shall make findings that the revised plan meets the standards of Title 30A, M.R.S.A. §4404, and these regulations. In the event that a 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.

8.3.5 The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any road, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

8.3.6 Construction or alteration activities for which approval has been granted under this Ordinance shall commence within six (6) months of the date of issuance and shall be substantially completed within twenty-four (24) months of the date of issuance.

Activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the approval issued under this Ordinance shall be considered void. The Board shall have a notice placed in the Registry of Deeds to that effect.

Activities may be extended for up to one (1) year by the Board if application is submitted not later than thirty (30) days prior to expiration.

ARTICLE IX - REVISIONS TO APPROVED PLANS

9.1. Procedure

An applicant for a revision to a previously approved plan shall, at least seven days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

9.2. Submissions

The applicant shall submit a copy of the approved plan, as well as three copies of the proposed revisions. The

application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations.

9.3 Scope of Review

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

ARTICLE X - ENFORCEMENT

10.1. Inspection of Required Improvements.

10.1.1 At least five days prior to commencing each major phase of construction of required improvements, the sub-divider or builder shall:

10.1.1.1 Notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

10.1.2 If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the sub-divider, he shall so report in writing to the Municipal Officers, Planning Board, and the sub-divider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

10.1.3 If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the sub-divider shall obtain permission to modify the plans from the Board.

10.1.4 At the close of each summer construction season the Town shall, at the expense of the sub-divider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.

10.1.5 Prior to the sale of any lot, the sub-divider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

10.1.6 Upon completion of road construction a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the road meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

10.1.7 The sub-divider, builder or lot owners shall be required to maintain all improvements and provide for snow removal on roads and sidewalks.

10.2. Violations and Enforcement.

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

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

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

10.2.4 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 this ordinance shall be punished by a fine of not less than $100, and not more than $2500 for each such conveyance, offering or agreement. The Town of Morrill may institute proceedings to enjoin the violation of this section, and may collect attorneys' fees and court costs if it is the prevailing party.

10.2.5 No utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

10.2.6 Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.

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

ARTICLE XI - GENERAL STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following general standards and make 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.

11.1. Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

11.2. Retention of Open Spaces and Natural or Historic Features.

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

11.2.2 The Board shall require the reservation of between five and ten percent of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the needs identified in the municipal comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development. The developer may instead make a payment in-lieu-of dedication into a municipal open space or recreation land acquisition fund.

11.2.3 Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more roads of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

11.2.4 Reserved land acceptable to the Board and sub-divider may be dedicated to the municipality as a condition of approval.

11.2.5 Where land is not suitable or is insufficient in amount, or where the applicant prefers, a payment-in-lieu of dedication shall be calculated at the market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor, and paid into a municipal land acquisition or improvement fund.

11.2.6 The Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 36" inches diameter breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.

11.2.7 If the proposed subdivision contains any historical or archaeological sites, or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be included in the open space, and suitably protected by appropriate covenants and management plans.

11.2.8 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.

11.3. Blocks. Where road lengths exceed 1,000 feet between intersections with other roads, the Board may require an 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 constructed in accordance with design standards in Section 12.2.L. Maintenance obligations of the easement shall be included in the written description of the easement.

11.4. Lots.

11.4.1 All lots shall meet the minimum requirements of the Land Use Ordinance for the district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.

11.4.2 Lot configuration and area shall be designed to provide for adequate off-road parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.

11.4.3 Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

11.4.4 Wherever possible, side lot lines shall be perpendicular to the road.

11.4.5 The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.

11.4.6 If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.

11.4.7 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.

11.4.8 Lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the road, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing road or road approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the Postmaster and his comments considered by the Board.

11.4.9 Where a major subdivision abuts or contains an existing or proposed arterial road, no residential lot may have vehicular access directly onto the arterial road. This requirement shall be noted on the Plan and in the deed of any lot with frontage on the arterial road.

11.5. Utilities.

11.5.1 Utilities shall be installed underground except as otherwise approved by the Board.

11.5.2 Underground utilities shall be installed prior to the installation of the final gravel base of the road.

11.5.3 The size, type and location of road lights, electric and gas lines, telephone, and other utilities shall be shown on the plan and approved by the Board.

11.6. Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

11.6.1 Monuments.

11.6.1.1 Stone monuments shall be set at all road intersections and points of curvature, but no further than 750 feet apart along road lines without curves or intersections.

11.6.1.2 Stone monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.

11.6.1.3 Stone monuments 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.

11.6.1.4 All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation.

11.6.2 Water Supply.
The Board may allow the use of individual wells or a private community water system.

11.6.2.1 Dug 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, the sub-divider shall prohibit dug wells by deed restrictions and a note on the plan.

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

11.6.2.3 The sub-divider shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the subdivision will not permit their construction.

11.6.3 Sewage Disposal.
Private Systems.

11.6.3.1 The developer 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. 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.

11.6.3.2. 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.

11.6..4 Surface Drainage.

The storm water management plan submitted in accordance with Section 12.4 shall be installed.

11.7. Land Features.

11.7.1 Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

11.7.2 Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion and to minimize storm water runoff.

11.7.3 To prevent soil erosion in 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 Maine State Minimum Shoreland Zoning Ordinance as amended.

11.8. Dedication and Maintenance of Common Open Space and Services.

11.8.1. All common land, facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a home-owners association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Town of Morrill, if so voted.

11.8.2. 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. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.

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

11.8.3.1 It shall not be used for future building lots; and

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

11.8.4. The by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

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

11.8.6. The homeowners association shall have the responsibility of maintaining the common property or facilities.

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

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

11.8.9. Provision shall be made in these by-laws for enforcement of these by-laws by the Town of Morrill should the association fail to do so.

11.9. Construction in Flood Hazard Areas.

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

11.10. Impact on Ground Water

11.10.1. When a hydro-geologic assessment is submitted, the assessment shall contain at least the following information:

11.10.1.1. A map showing the basic soils types.

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

11.10.1.3. Drainage conditions throughout the subdivision.

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

11.10.1.5. An analysis and evaluation of the effect of the subdivision 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 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.

11.10.1.6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

11.10.2 Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

11.10.3 No subdivision shall contaminate the ground water beyond the Maine Drinking Water Standards as measured at the property boundaries.

11.10.4 If ground water contains contaminants in excess of the Maine Drinking Water standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

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

11.11. Access Control and Traffic Impacts

11.11.1. General. Provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic and pedestrians in existing roads and within the subdivision, to avoid traffic congestion on any road and to provide safe and convenient circulation on public roads and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

11.11.1.1. The vehicular access to the subdivision shall be arranged to avoid traffic use of existing local residential roads.

11.11.1.2. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is lesser potential for traffic congestion and for

hazards to traffic and pedestrians.

11.11.1.3. The road giving access to the subdivision and neighboring roads which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity or be suitably improved by the sub-divider to accommodate the amount and types of traffic generated by the proposed subdivision. No subdivision shall increase the volume: capacity ratio of any road above 0.8 nor reduce the road's Level of Service to "D" or below.

11.11.1.4. 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 roads, and traffic controls within public roads.

11.11.1.5. Accessways shall be of a design and have sufficient capacity to avoid queueing of entering vehicles on any road.

11.11.1.6. Where topographic and other conditions allow, provision shall be made for circulation access connections to adjoining lots of similar existing or potential use:

11.111.6.1 When such access connection will facilitate fire protection services as approved by the Fire Chief; or

11.11.1.6.2 When such access will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a road.

11.11.2 Subdivision Access Design for Subdivisions entering onto Arterial roads.

When the access to a subdivision is a road, the road design and construction standards of this appendix shall be met. Where there is a conflict between the standards in this section and the road design and construction standards section, the stricter or more stringent shall apply.

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

11.11.2.1.1. Low Volume Access: Less than 25 vehicle trips per day.

11.11.2.1.2 Medium Volume Access: Any access that is not a low volume or high volume access.

11.11.2.1.3 High Volume Access: Peak hour volume of 400 vehicles or greater.

11.11.2.2. Sight Distances. Accesses shall be designed in profile and grading and located to provide the required sight distance measured 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 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.

11.11.2.2.1 Two Lane Roads. A sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

11.11.2.2.2 Four Lane Roads. The sight distances provided below are based on passenger cars exiting from accesses onto four lane roads and are designed to enable exiting vehicles:

11.11.2.2.2.1. Upon turning left or right to accelerate to the operating speed of the road without causing approaching vehicles to reduce speed by more than 10 miles per hour, and

11.11.2.2.2.2. Upon turning left, to clear the near half of the road without conflicting with the vehicles approaching from the left.

Operating Speed (mph)	Safe Sight Distance - Left (ft)	Safe Sight Distance - Right (ft)
20	130	130
30	220	260
40	380	440
50	620	700

11.11.2.1.3. Vertical Alignment. Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume accesses shall slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium and high volume accesses should slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.

11.11.2.1.4. Low Volume Accesses.

11.11.2.1.4.1 Skew Angle. Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

11.11.2.1.4.2 Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.

11.11.2.1.4.3 Access Width. The width of the access shall be between 12 feet and 16 feet, with a preferred width of 16 feet.

11.11.2.1.4.4 Curb-Cut Width. Curb-cut width shall be between 22 feet and 46 feet, with a preferred width of 36 feet.

11.11.2.1.5. Medium Volume Accesses.

11.11.2.1.5.1 Skew Angle. Medium volume accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

11.11.2.1.5.2 Curb Radius. Curb radii will vary depending if the access is one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

11.11.2.1.5.3 Width. On a two-way access the width of the access shall be between 24 feet and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.

11.11.2.1.5.4 Curb-Cut Width. On a two-way access the curb-cut width shall be between 74 feet and 110 feet, with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet, with a preferred width of 51 feet.

11.11.2.1.6. High Volume Accesses.

11.11.2.1.6.1 Skew Angle. High volume accesses shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than

60 degrees.

11.11.2.1.6.2 Curb Radius. Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

11.11.2.1.6.3 Curb-Cut Width. Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet, with a preferred width of 254 feet.

11.11.2.1.6.4. Entering and exiting accesses shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.

11.11.2.1.6.5 Width. Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20, with a preferred width of 20 feet.

11.11.2.1.6.6 Appropriate traffic control signage shall be erected at the intersection of the access and the road and on medians and channelization islands.

11.11.2.1.7. 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 appropriate 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.

11.11.2.1.7.1 Perpendicular driveways.

11.11.2.1.7.1.1. Curb Radii. Curb radii shall be between 30 feet and 50 feet, with a preferred radius of 50 feet.

11.11.2.1.7.1.2. Access width. The width of the access shall be between 26 feet and 30 feet, with a preferred width of 30 feet. On two-way accesses, a triangular channelization island shall be provided at the intersection with the road. On each side of the island the one-way drive shall be between 15 feet and 24 feet with a preferred width of 20 feet.

11.11.2.1.7.1.3. Curb-Cut Width. The total curb-cut width shall be between 86 feet and 130 feet with a preferred width of 130 feet.

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

11.11.2.1.7.2 Skewed Accesses.

11.11.2.1.7.2.1. Skew Angle. The skew angle shall be between 45° and 60°, with a preferred angle of 45°.

11.11.2.1.7.2.2. Curb Radii. Curb radii shall be between 30 feet and 50 feet on the outside of the intersection, with a preferred radius of 30 feet. Curb radii shall be between 5 feet and 10 feet on the acute side of the intersection with a preferred radius of 5 feet.

11.11.2.1.7.2.3. Access width. The width of the access shall be between 15 feet and 24 feet, with a preferred width of 20 feet. Where entering and exiting accesses meet, the width shall be between 24 feet and 30 feet with a preferred width of 30 feet.

11.11.2.1.7.2.4. Curb-Cut Width. The total curb-cut width for each access shall be between 35 feet and 75 feet with a preferred width of 42 feet.

11.11.2.1.7.3 Access Location and Spacing.

11.11.2.1.7.3.1. 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 maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access or minor road volume and intersection type.

MINIMUM STANDARDS FOR CORNER CLEARANCE

	Minimum Corner Clearance (feet)	
Access Type	Intersection Signalized	Intersection un-signalized
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	50
Right turn in or out only	100	50

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

11.11.2.1.7.3.2. Access Spacing. Accesses and road intersections shall be separated from adjacent accesses, roads 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. This distance shall be maesured 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

Access type	Minimum Spacing to Property Line (Dpl)[1] (feet)	Minimum Spacing to Adjacent Access by Access Type[2] (Dsp)[3]				
		Low (feet)	Medium (feet)	High w/o RT* (feet)	High w/RT** (feet)	Special Case (feet)
Low Volume	5	***				
Medium Volume	10	-	75			
High Volume (w/o RT)*	75	-	75	150		
High Volume (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 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.

11.11.3 Number of Accesses. The maximum number of accesses onto a single road 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.

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

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

11.11.4 Construction Materials/Paving.

11.11.4.1. All accesses entering a curbed road shall be curbed with materials matching the road curbing. Sloped curbing is required around all raised channelization islands or medians.

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

ARTICLE XII - STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

12.1. General Requirements.

12.1.1 The Board shall not approve any subdivision plan unless proposed roads and storm water management systems are designed in accordance with any local ordinance or 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 road or easement.

12.1.2 Sub-dividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed roads and existing roads within 300 feet of any proposed intersections. The plans shall include the following information:

12.1.2.1. Date, scale, and magnetic or true north point.

12.1.2.2. Intersections of the proposed road with existing roads.

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

12.1.2.4. Kind, 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.

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

12.1.2.6. Turning radii at all intersections.

12.1.2.7. Centerline gradients.

12.1.2.8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

12.1.3 Upon receipt of plans for a proposed road the Board shall forward one copy to the Municipal Officers, the Road Commissioner, and may forward one copy to a Consulting Engineer for review and comment.

12.1.4 Where the sub-divider proposes improvements within existing public roads, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.

12.1.5 Where the subdivision roads are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

12.2. Road Design Standards

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

12.2.2 Roads shall be designed to discourage through traffic within a residential subdivision.

12.2.3 Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed in the municipality.

12.2.4 Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the road right-of-way and/or pavement width

shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial roads in these regulations.

12.2.5 Where a subdivision borders an existing narrow road (not meeting the width requirements of the standards for roads in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

12.2.6 Any subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two road connections with existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted. Any road with an average daily traffic of 200 trips per day or more, shall have at least two road connections leading to existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted.

12.2.7 The following tabular design standards apply according to road classification. Roads shall be hard surfaced and dust free and designed in accordance with those standards described in appendix B to this ordinance. Hard surface may be concrete, bituminous surface or stone/gravel.

	Type of Road				
Description	Arterial	Collector	Minor	Private Right of Way	Industrial/ Commercial
Minimum Right-of Way Width	80'	50'	50'	50'	60'
Minimum Travel Surface Width	44'	24'	20'	18'	30'
Sidewalk Width	8'	5'	5'	N/A	8'
Minimum Grade	0.5%	0.5%	0.5%	N/A	0.5%
Maximum Grade*	5%	6%	8%	10%	5%
Minimum Centerline Radius	500'	230'	150'	N/A	400'
Minimum Tangent between curves of reverse alignment	200'	100'	50'	N/A	200'
Roadway Crown	1/4"/ft	1/4"/ft	1/4"/ft	N/A	1/4"/ft
Minimum angle of road intersections**	90°	90°	75°	75°	
Maxi grade within 75' of intersection	2%	2%	2%	N/A	2%
Minimum curb radii at intersections	30'	20'	15'	N/A	30'***
Minimum r/o/w radii at intersections	20'	10'	10'	10'	20'
Min width of shoulders (each side)	5'	3'	3'	3'	9'

* Maximum grade may be exceeded for a length of 100 feet or less.
** Road intersection angles shall be as close to 90° as feasible but no less than the listed angle.
*** Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

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

12.2.9 Dead End Roads. In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line 65 ft.; outer edge of pavement 50'; inner edge of pavement: 30 ft. 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. The Board may require the reservation of a twenty foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Board may also require the reservation of a fifty foot easement in line with the road to provide continuation of the road where future subdivision is possible.

12.2.10 Grades, Intersections, and Sight Distances.

12.2.10.1. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

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

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

Stopping sight distance shall be calculated with a height of eye at 3-1/2 feet and the height of object at 1/2 feet.

12.2.10.3. Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle 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 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance (ft)	250	300	350	400	450	500	550

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

12.2.10.4. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between centerlines of side roads.

12.2.11 Sidewalks. Sidewalks may be installed within subdivisions.

12.2.11.1. Bituminous Sidewalks.

12.2.11.1.1 The crushed aggregate base course shall be no less than eight inches thick.

12.2.11.1.2 The hot bituminous pavement surface course shall be no less than than two inches after compaction.

12.2.11.2. Portland Cement Concrete Sidewalks.

12.2.11.2.1 The sand base shall be no less than six inches thick.

12.2.11.2.2 The Portland Cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

12.2.12 Granite 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 above shall be measured between the curbs.

12.3. Road Construction Standards

12.3.1 Minimum thickness of material after compaction:

Road Materials	Minimum Requirements				
	Arterial	Collector	Minor	Private Right of Way	Industrial/ Commercial
Aggregate Sub-base Course (Max. sized stone 4")	18"	18"	18"	12"	18"
Crushed Aggregate Base Course	4"	3"	3"	3"	4"
Hot Bituminous Pavement					
Total Thickness	3 1/4"	2 1/2"	2 1/2"		3"
Surface Course	1 1/2"	3/4"	3/4"		1 1/4"
Base Course	1 3/4"	1 3/4"	1 3/4"		1 3/4"

12.3.2 Preparation.

12.3.2.1. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.

12.3.2.2. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.

12.3.2.3. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Town Engineer as 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.

12.3.2.4. Side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, limed, fertilized, and seeded according the the specifications of the erosion and sedimentation control plan.

12.3.2.5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

12.3.3 Bases and Pavement.

12.3.3.1. Bases.

12.3.3.1.1 The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/4 inch	25-70%

No. 400-30%
No. 2000-7%

Aggregate for the sub-base shall contain no particles of rock exceeding four inches in any dimension.

12.3.3.1.2 The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the sub-base shall contain no particles of rock exceeding four inches in any dimension.

12.3.3.2. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

12.3.3.3. Curbs and Gutters.

12.3.3.3.1. Street curbs and gutters shall be installed as required by the Board.

12.3.3.3.2. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

12.3.3.4. Pavements.

12.3.3.4.1 Minimum standards for the base layer of pavement shall be the M.D.O.T. specifications for plant mix grade B with an aggregate size no more than 1 inch maximum.

12.3.3.4.2 Minimum standards for the surface layer of pavement shall meet the M.D.O.T. specifications for plant mix grade C with an aggregate size no more than 3/4 inch maximum.

12.4. Storm Water Management Design Standards

12.4.1 Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, under-drain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

12.4.1.1. Where a subdivision is traversed by a stream, river, or surface water drainage-way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channelling surface water within the subdivision and over other properties. This storm water management system shall be designed by a Registered Professional Engineer.

12.4.1.2. Drainage easements for existing water-courses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.

12.4.1.3. All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and the 25-year, 24-hour duration, frequencies, based on rainfall data for Portland, Maine. When the subdivision discharges directly to a major water body, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized.

12.4.1.4. The minimum pipe size for any storm drainage pipe shall be twelve inches. 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 top of the pipe.

12.4.2 The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

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

12.4.4 Catch basins shall be installed where necessary and located at the curb line.

12.4.5 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 road, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.

12.4.6 Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

12.5. Storm Drainage Construction Standards.

12.5.1 Materials.

12.5.1.1. 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 preformed plastic jointing material such as “Ramnek”. Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

12.5.1.2. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation C-428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63, or of an approved preformed plastic sleeve type.

12.5.1.3. 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%.

12.5.1.4. 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.

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

12.5.1.6. Manholes. Manholes 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. 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.

12.5.1.7. 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.

12.5.2. 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.

12.5.3 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.

12.5.4 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.

12.6. Additional Improvements and Requirements.

12.6.1. Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

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

12.6.3 Road Names, Signs and Lighting. Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Municipality, and shall be subject to the approval of the Board. No road name shall be the common given name of a person. The developer shall reimburse the Municipality for the costs of installing road name, traffic safety and control signs. Road lighting shall be installed as approved by the Board.

12.7. Certification of Construction. Upon completion of road construction a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of the final plan as submitted and approved by the Town of Morrill Planning Board.

ARTICLE XIII - PERFORMANCE GUARANTEES

13.1. Types of Guarantees. With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover 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:

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

13.1.2 A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers;

13.1.3 An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers; or

13.1.4 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 Board with the advice of a Consulting Engineer, Road Commissioner, Municipal Officers, and/or Town Attorney.

13.2. 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 developer will be in default and the Town shall have access to the funds to finish construction.

13.3. Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the sub-divider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the sub-divider unless the municipality 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 sub-divider and the amount withdrawn to complete the required improvements.

13.4. 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 sub-divider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

13.5. Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

13.6. Conditional Agreement. The Board, at its discretion may provide for the sub-divider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:

13.6.1 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

13.6.1 A performance guarantee, acceptable to the municipality, 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 which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 13.8.

13.7. 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.

13.8. Release of guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Consulting Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

13.9. Default. If, upon inspection, the Consulting Engineer 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 shall so report in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

13.10. Improvements Guaranteed. Performance guarantees shall be tendered for all improvements required by Section 11.6 of these regulations and for the construction of the roads.

ARTICLE XIV - WAIVERS

14.1. **Where the Board makes written findings of fact** that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, 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 purpose of the Official Map, the Comprehensive Plan, the Districting Ordinance, or these regulations, and provided the criteria of the State Subdivision Law are met.

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

14.3. **In granting waivers to any of these regulations** in accordance with Sections 14.1 and 14.2, the Board shall require such conditions as will assure the objectives of these regulations are met.

14.4. **Waivers to be shown on Final Plan.** When the Board grants a waiver to any of the standards of these regulations, the Final Plan shall indicate the waivers granted and the date on which they were granted.

ARTICLE XV - APPEALS

15.1 An aggrieved party may appeal any decision of the Board under these regulations to the Town of Morrill Board of Appeals within thirty (30) days.

15.2 An appeal may be taken from any decision of the Board of Appeals to the Superior Court within thirty (30) days after the decision, as provided by 30A M.R.S.A. Section 2691(G)(3), as the same may be amended from time to time.

ARTICLE XVI-EFFECTIVE DATE

16.1 This ordinance becomes effective on_____and shall repeal any inconsistent ordinance or ordinance provision. Without limitation the ordinance specifically repeals and supersedes any previous ordinances adopted for this purpose **.**

Public Hearing Held on_____

Notice Published_____

MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF PROPOSED ORDINANCE

To the Town Clerk of the Town of Morrill, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled

SUBDIVISION ORDIANANCE

which is to be presented to the voters for their consideration on

MARCH 15, 2014.

Pursuant to 30-A M.R.S.A. § 3002 (2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

DATED: MARCH 3, 2014

Town Selectmen