SUBDIVISION ORDINANCE
FOR THE
TOWN OF WARREN, MAINE

ENACTED: October 21, 1999
(At Special Town Meeting)

AMENDED: June 15, 2021

CERTIFIED BY:

Corinne E.R. Michaud

Town Clerk

Amendments

Adopted October 21, 1999

Amended June 15, 2021

Article 3 - Definitions; Subdivision b; last sentence of second paragraph: **REMOVE** - "No further division of a gifted parcel can be further divided in less than ten (10) years without adherence to this ordinance."

Article 3 - Definitions; Subdivision b; third paragraph: **REMOVE -** "Division of land under this paragraph exempted from these regulations shall be limited to a maximum of five (5) lots. Further division or the creation of more than five lots shall be subject to the regulations of this ordinance."

TABLE OF CONTENTS

Article 1 Purposes……5

Article 2 Authority and Administration…… 6

2.1 Authority…….. 6

2.2 Administration…… 6

2.3 Amendments…… 6

2.4 Severability…… 6

Article 3 Definitions …….. 6

Article 4 Administration Procedure……16

Article 5 Pre-Application Meeting, Sketch Plan and Site Inspection……16

5.1 Purposes……16

5.2 Procedure……17

5.3 Submission……17

5.4 Contour Interval and On-Site Inspection ……17

5.5 Rights not Vested……17

5.6 Establishment of File……17

Article 6 Minor Subdivision……18

6.1 General……18

6.2 Procedure……18

6.3 Submissions……19

Article 7 Preliminary Plan for Major Subdivision……23

7.1 Procedure ……23

7.2 Submissions……25

Article 8 Final Plan for Major Subdivision ……28

8.1 Procedure……..28

8.2 Submissions……..30

8.3 Final Approval and Filing……..32

Article 9 Revisions to Approved Plans……33

9.1 Procedure……33

9.2 Submissions ……..34

9.3 Scope of Review ……..34

9.4 Revision to an approved subdivision……34

Article 10 Inspection and Enforcement……34

10.1 Inspection of Required Improvements……..34

10.2 Violations and Enforcement……35

Article 11 Performance Standards……..36

11.1 Pollution……36

11.2 Sufficient Water……36

11.3 Impact on Existing Water Supplies……..37

11.4 Soil Erosion……..37

11.5 Traffic Conditions……37

11.6 Sewage Disposal……..38

11.7 Impact on the Municipality's Ability to Dispose of Solid Waste……39

11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife……39
Habitat, Rare Natural Areas or Public Access to the Shoreline

11.9 Conformance with Zoning Ordinance and Other Land Use……41
Ordinances

11.10 Financial and Technical Capacity……41

11.11 Impact on Water Quality or Shoreline……42

11.12 Impact on Ground Water Quality or Quantity……..42

11.13 Floodplain Management ……43

11.14 Identification of Freshwater Wetlands……43

11.15 Storm Water Management……43

11.16 Reservation or Dedication and Maintenance of Open Space and……..44
Common Land, Facilities and Services

11.17 Phosphorus Impacts on Great Ponds……45

Article 12 Design Guidelines……48

12.1 Sufficient Water……48

12.2 Traffic Conditions……52

12.3 Wildlife Habitat, Rare Natural Areas or Public Access to the……..61
Shoreline

12.4 Storm Water Management Design Guidelines……63

12.5 Impact on Water Quality or Shoreline……64

12.6 Lots……64

12.7 Utilities……65

12.8 Monuments……65

12.9 Cluster Developments……65

Article 13 Performance Guarantees……68

13.1 Types of Guarantees……68

13.2 Contents of guarantee……68

13.3 Escrow Account……68

13.4 Performance Bond……68

13.5 Letter of Credit……69

13.6 Conditional Agreement……69

13.7 Phasing of Development……69

13.8 Release of Guarantee……69

13.9 Default……69

13.10 Improvements Guaranteed……69

Article 14 Waivers……70

14.1 Waivers Authorized……70

14.2 Findings of Fact Required ……70

14.3 Conditions……70

14.4 Waivers to be shown on final plan……70

Article 15 Appeals……70

15.1 Appeals to Superior Court……70

ARTICLE 1 – PURPOSES

The purposes of this Ordinance is to ensure the comfort, convenience, safety, health and welfare of the people of the Town of Warren, to protect the rural character and to promote and control the orderly development of an economically sound community. To this end, in approving subdivisions within the Town of Warren, Maine, the Planning Board shall consider the following criteria and before granting approval shall make written findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the following criteria from Title 30A, MRSA §4404 of which the burden of proof rests solely with the subdivider.

1.1 To provide for an expeditious and efficient process for the review of proposed subdivisions;

1.2 To clarify the approval criteria of the state Subdivision Law, found in Title 30A MRSA §4404;

1.3 To control the potential negative impacts from new subdivisions on neighboring properties and on the municipality;

1.4 To assure that new development in the Town of Warren meets the goals and conforms to the policies of the Warren Comprehensive Plan in that such development;

1.5 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 the relation to the flood plains; the nature of the soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect of effluents; and the applicable state and local health and waste resource regulations;

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

1.7 Has sufficient domestic water available for reasonable foreseeable needs of the subdivision, where applicable, and will not cause an unreasonable burden on existing water supply, if one is to be utilized.

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

1.9 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;

1.10 That whenever situated in whole or in part within 250 feet of any pond, lake, river or tidal waters, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. Furthermore, when lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from normal highwater mark of no less than 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if the lot lines extended to the shore.

1.11 Will provide for adequate solid and sewerage waste disposal, and will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewerage if municipal services are to be utilized;

1.12 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;

1.13 To assure that the subdivider will determine, based on the Federal Emergency Management Agency's Flood and Boundary and Floodway maps and Flood Insurance Rate Maps, whether the subdivision is in a flood prone area. If the subdivision or any part of it is in such an area, the subdivider shall determine the 100 year flood elevation and flood

hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plat approval requiring that the principal structures on lots in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100 year flood elevation.

1.14 To assure the subdivider has or obtains adequate technical and financial capacity to meet the above stated standards.

ARTICLE 2 – AUTHORITY AND ADMINISTRATION

2.1 **Authority**

a. These standards have been prepared in accordance with the provisions of Title 30A MRSA §4403.

b. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Warren, Maine."

2.2 **Administration**

a. The Planning Board of the Town of Warren, hereinafter called the Board, shall administer these regulations.

b. The provisions of these regulations shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Warren.

2.3 **Amendments**

a. These regulations may be amended by the Legislative Body of the Town of Warren.

b. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

2.4 **Severability**

If any provision of this Ordinance or the application thereof to any person or circumstance is held void or invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect in whole or in part without the invalid provision or application and to this end each provision of this Ordinance is declared to be severable and independent. It is the intent of the Town of Warren that each and every part, clause, paragraph, section and subsection of this Ordinance be given effect to the degree possible.

ARTICLE 3 – DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, any word or term defined in the Warren Land Use Ordinance shall have the definition contained in that ordinance unless defined differently below. Where there is a conflict between the language contained in this Subdivision Ordinance or any other Town

Ordinance, the stricter language shall apply for the purposes of these regulations. Other words and terms used herein are defined as follows:

Abutter: One whose property abuts is contiguous or joins at a border or boundary, including the property across the street, road, public way or private way; the owner of any property within 500 feet of a proposed subdivision or within 500 feet of parcel of land from which a subdivision is created.

Affordable Housing: Housing units which will meet the sales price and/or rental targets for housing affordability.

Agriculture: The cultivation of soil, producing or raising crops, Christmas trees, ornamentals or livestock, including gardening as a commercial operation.

Applicant: The person applying for subdivision approval under these regulations and or his authorized agent as conveyed in writing.

Automobile Graveyard (automobile junkyard): Shall mean a yard, field or other area used as a place of storage of three or more unserviceable, discarded, worn-out or junked motor vehicles or parts thereof other than temporary storage by an establishment or place of business which is engaged primarily in doing auto repair work for the purpose of making repairs to render a motor vehicle serviceable.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Bed & Breakfast: A single family owner occupied dwelling in which lodging or lodging and meals are offered to guests for compensation of no more than three (3) bedrooms for lodging purposes.

Boarding House: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two (2) weeks and where a family residing in the building acts as the proprietor or owner and where there are no provisions for cooking in any individual room other than the main kitchen.

Body of Water: Shall include the following:

1. Pond or Lake: Any impoundment, natural or manmade, which collects and stores surface water.

2. Stream or River: A free flowing drainage outlet with a defined channel which has flowing water for at least three months during the year and which lacks terrestrial vegetation for more than three (3) months during the year.

3. Tidal: Any area upon which tidal action occurs.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any structure an its attachments such as decks, breezeways and porches, which is supported by columns or walls for the housing or enclosure of persons, animals or personal property excluding mobile homes which have a separate definition.

Building Height: The vertical distance measured between average finished grade of the ground of a building to the highest point of the structure, not including chimneys, spires antennas, non-accessible towers or similar accessory structures.

Campground: Any premises established for camping for which a fee is charged.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Cluster Development: A subdivision or development 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 the lot and/or unit owners, the Town or a land conservation organization. Clustering shall not be used to increase the overall net residential density of any development.

Code Enforcement Officer (CEO): A person appointed by the municipal officers or officials to administer and enforce these Ordinances. Reference to the Code Enforcement Officer may be construed to include Alternated Code Enforcement Officer(s), Building Inspector, Plumbing Inspector, Electrical Inspector and the like, where applicable.

Commercial Use: Connected with the buying or selling of goods or services or the provision of facilities for a fee.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

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

Complete Substantial Construction: the completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Conservation Easement: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage and the like shall be considered part of construction.

Construction Drawings: Drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground power and telephone ducts, pavements, cross sections of roads, miscellaneous structures, drainage and other easements and similar items.

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

Density: The number of dwelling units per acre of land as defined in the Land Use Ordinance.

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

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

Driveway: A private vehicular accessway from a road or right-of-way serving two dwelling units or less. The driveway itself shall not constitute the means of legal access along which frontage may be measured.

Dwelling: Any building, mobile home or structure or portion thereof designed or used for residential purposes.

1. Single Family Dwelling shall mean any building containing only one (1) dwelling unit for occupation by not more than one (1) family.

2. Two Family Dwelling shall mean any building containing only two (2) dwelling units for occupation by not more than two (2) families.

3. Multi Family Dwelling shall mean any building containing three (3) or more dwelling units such buildings being designed for residential use and occupancy by three (3) r more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one (1) family as a habitation and which contains independent living, cooking, sleeping bathing and sanitary facilities. The term includes manufactured housing and mobile homes, but not recreational vehicles or motel units.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher biological oxygen demand and total suspended solids concentrations than domestic waste water.

Expansion: In relation to a building, expansion shall mean: enlargement of floor area, or enlargement of building enclosure. In relation to use: the addition of weeks or months to a business' operating season, the addition of hours to a business day, the use of more floor area or ground area, or the provision of additional seats or seating capacity.

Family: One or more persons occupying a premises and living as a single housekeeping unit.

Filling: Depositing or dumping any matter on or into the ground or water.

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

Flood Plain: The lands adjacent to a body of water which have been or may be covered by the base flood.

Forest Management Activities: Includes timber cruising, and other forest source evaluation activities, pesticide applications, timber stand improvements, pruning, timber harvesting and other forest harvesting and regeneration activities of forest stands and other similar associated activities.

Freshwater Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances to support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

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

1. A way accepted by or established as belonging to the Town of Warren or State of Maine, providing access is not specifically prohibited.
2. A road way, whether dedicated to public ownership or not, as shown on an approved subdivision plan; this roadway must have been constructed before consideration for lot access.

Great Pond: Any inland body of water which in a natural state has a surface are in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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 location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

Home Occupation or Profession: Home occupation or profession shall mean any professional office located within a home or one accessory structure, such as accountant, attorney, dentist, doctor, beautician antique dealer, real estate salesman, insurance broker, architect, machinist, engineer or similar profession, or any customary home occupation which involves the production manufacture, and sale of a product or minor repair work, exclusive of repairs to motor vehicles and engines, but including small engine repair of chain saws, snowmobiles, lawn mowers and other similar devices. A home occupation or profession shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the residence.

100-Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

High Water Mark:

Coastal Waters: The elevation at which vegetation changes from predominately salt tolerant to the predominantly non-salt tolerant. By way of illustration, salt tolerant vegetation includes, but is not limited to: slat marsh grass, salt meadow hay, black arrowgrass, seaside lavender, silverweed, slat marsh bullrush, seaside plantain, orach, salt marsh sedge, slat marsh aster. In places where vegetation is not present, the high-water mark shall be the identifiable debris

line left by non-storm tidal action. On a sand dune, the high-water mark shall be the mean seaward limit of salt tolerant vegetation.

Inland Waters: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Hotel: A building in which lodging or meals and lodging are offered to the general public for compensation and ingress and egress to and from the rooms is made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands, personal grooming facilities and restaurants.

Industrial: Connected with the assembly, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

Inn: A building which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms, or any number of lodging rooms and meals are offered to the general public for compensation and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house, but not bed and breakfast, hotel or motel.

Land Use Ordinance: The *Land Use Ordinance* of the Town of Warren, Maine as approved and amended by the Legislative body of the Town of Warren.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, 1991 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Lot: A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by ordinances, and having frontage upon a public street, right-of-way or private way.

Lot Area: The total horizontal area within the lot lines.

Lot Coverage: The percentage of the lot covered by all buildings.

Lot Width: the distance between the side boundaries of the lot measured at the front setback line.

Manufacturing: the making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

Minimum Lot Area: The land area of a parcel not including the area of land which is a part of a right-of-way for a thoroughfare or easement.

Mobile Home (Manufactured Home): A detached single-family residence with the following characteristics:

1. Manufactured as relocatable living unit without a permanent foundation, designed for long-term, year-round occupancy and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances, with plumbing and electrical connections provided for attachment to outside systems;

2. Designed to be transported after fabrication, on its own chassis, and connected to utilities upon being placed on a permanent foundation or mobile home stand; and

3. Designed to be installed with only incidental unpacking and assembling operations;

4. Constructed after June 15, 1976, and which the manufacturer certifies is constructed in compliance with U.S. Department of Housing and Urban Development standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S. Code, Title 42, Section 5401, et. seq. and amendments;

5. A mobile home which does not comply with the requirements of subsection (4) above but which was lawfully in use as a dwelling in the Town of Warren on the date of adoption of this Ordinance may be relocated to any lot where a mobile home is permitted by district regulations of this Ordinance.

A mobile home shall be constructed to remain a mobile home subject to all regulations applying thereto, whether or not the wheels, axles, hitch or other appurtenances of mobility are removed and the interior facilities are modified.

Mobile Home Parks: A plot of land designed and/or used to accommodate three (3) or more mobile homes. Such facility shall meet the standard for 30A MRSA §4358, the regulations relating to mobile home parks promulgated by the manufactured home board and the regulations of the Town of Warren.

Motel: A building in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from outside of the building.

Multifamily Development: A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Municipal Engineer: Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Section 12.10 C3.

Net Residential Density: The average number of dwelling units per net residential acre.

New Structure or Structures: Includes any structure for which construction begins on or after the date of enactment of this ordinance. The area included in the expansion of an existing structure is deemed to be a new structure.

Non-Conforming Use: Use of land or structures that is not permitted, but which is allowed to remain solely because it was in lawful existence at the time the Ordinance or subsequent amendments took effect. If the use of the non-conforming structure is discontinued for more than twelve (12) consecutive months, the rights to continue the non-conforming use is lost.

Non-Contiguous Offsetting Land: Land not connected to a subdivision which can be used to offset density requirements for subdivisions within the village district.

Nursing Home: Any facility which provides meals, lodging and nursing care for compensation.

Open Space: A parcel or parcels of land, or an area of water, or combination of land and water, within a development, which is designed and intended for the use and enjoyment of the residents of the development. Streets, off-street parking areas and sidewalks are not included under the definition of open space.

Parking Space: An area of two hundred (200) square feet exclusive of drives or aisles, for the parking of vehicles.

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

Personal Services: A business which provides services but not goods such as hairdressers, shoe repair, etc.

Planning Board: The Planning Board of the Town of Warren as created by 30 MRSA §4952.

Plat: A map of the town, section or subdivision showing the location and boundaries of individual parcels of land subdivided into lots with streets, alleys, easements, etc., usually drawn to scale.

Preliminary Plan: The preliminary drawings indicating the proposed layout of the subdivision and other information as may be required by these regulations. Approval of a preliminary subdivision plan shall not constitute approval of the final subdivision plan.

Principal Structure: The structure in which the primary use of the lot is conducted.

Principal Use: The primary use to which the premises are devoted.

Professional Engineer: A professional engineer, registered in the State of Maine.

Professional Offices: The place of business for doctors, lawyers, accountants, architects, engineers, surveyors, psychologists, counselors and similar professions, but not including financial institutions or personal services.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Reserved Affordable Housing: Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long-term methods to occupancy by households making 80% or less of the area median household income.

Restaurant: An establishment where meals are prepared and served to the public for consumption and compensation.

1. Standard Restaurant: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving the meal.

2. Fast Food Restaurant: A business involving the preparation and serving of meals for consumption on and off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is usually served in edible or disposable containers.

3. Drive-In Restaurant: A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is usually served in edible or disposable containers.

Re-Subdivision: the further subdivision of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider or lot owner, not indicated on the approved plan, or the relocation of any street or lot line in the subdivision.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

Rights-of-Way: When there is no defined right-of-way, the common traveled way will be considered to be the right-of-way for the purpose of this ordinance and will be considered to be no less than 30 ft. wide, 15 ft. either side of centerline of the common way, or to the outside wrought portion (area which is presently being used for highway purposes) whichever is greater.

Road: Public and private way such as town roads, public rights-of-way and private rights-of-way.

1. Town Road: A strip of lane held by the Town for passage and use by the general public by motor vehicle and for which the Town has maintenance responsibility.

2. Private Rights-of-Way: A way that the general public has no right to pass over by foot or by vehicle, and for which the Town has no maintenance responsibility.

Setback: The horizontal distance from a lot line to the nearest part of the structure.

Setback From Water: the horizontal distance from the normal high water mark to the nearest part of the structure.

Shallow to bedrock soils: Soils less than 24 inches to bedrock.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

Sign: A display surface, fabric or devise containing organized and related elements (letters, pictures, products or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to view. In cases where matter is displayed in a random or unconnected manner without organized relationship, each such component shall constitute a sign.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

1. Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: NUMBERED STATE HIGHWAYS.

2. Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

3. Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

4. Industrial or Commercial: Streets servicing industrial or commercial uses.

5. Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

6. Private Right-of-Way: A minor residential street which is not intended to be dedicated as a public way.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, satellite receiving dishes, carports, decks, porches, and other building features, but not including signs, sidewalks, fences, driveways and parking lots.

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5-year period, that begins after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land, or the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel shall be considered to create the first 2 lots and the next diving of either of the first 2 lots, by whomever accomplished, unless otherwise exempted herein shall be considered to create a third lot, unless:

a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdividers own use as a single-family residence or for open space land as defined in Title 36 MRSA, §1102 for a period of at least 5 years before the second dividing occurs; or

b. The division of the tract or parcel is otherwise exempt under this definition.

A lot of 40 or more acres shall not be counted as a lot, except where the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38 MRSA §435, or the municipality's shoreland zoning.

A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of these regulations, unless the intent of the transferor in any transfer or gift is to avoid the objectives of these regulations. If real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this definition. The granting of a bona fide security interest (mortgage) in an entire lot that has been exempted from the definition under this paragraph, or subsequent transfer of that entire lot by the original holder of the security interest (mortgage) or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of these regulations. In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.

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

Subdivision, Minor: Any subdivision containing four lots or dwelling units or less.

Tract or Parcel of Land: 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.

Undue Hardship: That the land in question cannot yield a reasonable return unless a variance is granted; that the need for a variance is due to unique circumstances of the property and not to the general conditions in the neighborhood; that the granting of a variance will not alter the essential character of the locality; that the hardship is not the result of action taken by the applicant or a prior owner; and that the variance is not contrary to the intent of this Ordinance.

Usable Open Space: that portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

Variance: A relaxation of the terms of an Ordinance where such variance would not be contrary to the public interest where, owing to the conditions peculiar to the property and not a result of the action of an applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute ground for granting a variance. The crucial points of a variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are presented in the case.

Village District: For the purposes of this ordinance only, the Village District shall be defined as a circular area with a radius of three-quarters (3/4) mile, the center of which is the center of the Main Street Bridge over the St. George River in the Town of Warren.

Wholesale: Selling to retailers or jobbers rather than consumers.

Yard: The area between a structure and the property boundary.

Zone: An area, region or division of the Town distinguished from adjacent parts by some distinctive feature or character; or a boundary established by the Town to encourage that area to acquire a distinct feature or character.

ARTICLE 4 – ADMINISTRATIVE PROCEDURE

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than 21 days in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board's agenda at least 21 days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer. However, the Board shall take no action on any application not appearing on the Board's written agenda.

ARTICLE 5 – PRE-APPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION

5.1 Purpose

The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

5.2 Procedure

A. The applicant shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.

B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.

C. On-site inspection: The Planning Board Chairman at the pre-application meeting shall schedule an on-site inspection of the land to be subdivided. The date shall be scheduled so that at least a majority of the board members and the applicant will be in attendance. In addition, the chairman may request that the code enforcement officer attend the on-site inspection.

5.3 Submission

The pre-application Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered and 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 will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. The sketch plan shall 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. 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.

B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

5.4 Contour Interval and On-Site Inspection

Within thirty days of the pre-application meeting, the Board shall hold an on-site inspection of the property 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 applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5.5 Rights not Vested

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

5.6 Establishment of File

Following the pre-application meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the preapplication meeting and application shall be maintained in the file.

ARTICLE 6 – MINOR SUBDIVISION

6.1 General

The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A MRSA §4404, or the standards from Article 11 of these regulations, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

6.2 Procedure

A. Within six months after the on-site inspection by the Board, and at least ten days prior to the applicant's scheduled meeting with the Board, the applicant shall submit an application for approval of a final plan to the Board. Applications shall be submitted by mail to the Board in care of the municipal office or delivered by hand to the municipal office. Failure to submit the application within six months shall require re-submission of the Sketch Plan, plus any recommendations voted upon by the Board.

B. All applications for final plan approval for a Minor Subdivision shall be accompanied by a non-refundable application fee as set by the Selectmen. Fees must be paid by the applicant during office hours at the Town Office prior to application review by the Planning Board. In addition, the Planning Board may require funds deposited into an escrow account to be used by the Planning board for the hiring of independent consulting services to review the application. This amount shall not exceed $1,000.00 for a minor subdivision. Funds not used by the Planning Board shall be returned to the applicant once the subdivision is approved, denied or the applicant withdraws his application.

C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the final plan. Failure to attend the meeting to present the final plan shall result in a delay of the Board's receipt of the plan until the next meeting at which the applicant is scheduled to attend.

D. Within 7 working days from the time that an application for final plan approval of a minor subdivision is initially presented, the Board shall:

1. Issue a dated receipt to the applicant.

2. Within 14 days notify by certified mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. A list of the abutters shall be provided to the Planning board by the applicant at the Board meeting at which the application is initially presented.

3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

E. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon a determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of that determination.

G. Within 30 days of determining that it has received a complete application, the Board shall publish a 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 and shall post the notice in the Town Office. A copy of the notice shall be mailed to the applicant and abutters.

H. Within thirty days from the public hearing or within another amount of time deemed appropriate by the Board after determining a complete application has been received, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A MRSA §4404 and the standards of Article 11. If the Board finds that all the criteria of the Statute and the standards of Article 11 have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of Article 11 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The Board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval.

I. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the final plan;

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

3. The construction items for which cost estimates and performance guarantees will be required as pre-requisite to the approval of the final plan.

6.3 Submissions

The final plan application shall consist of the following items:

A. Application Form.

B. Location Map. The location map shall be drawn at a size 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:

1. Existing subdivisions within 2,500 feet of the proposed subdivision.

2. Locations and names of existing and proposed streets.

3. Boundaries and designations of zoning districts.

4. An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted covers only a portion of the owner's entire contiguous holding.

5. A letter from the fire chief indicating that the plan meets all applicable fire protection standards of this ordinance.

C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable-based transparencies, 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.

The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. 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 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. Three copies of all information accompanying the plan shall be submitted. In addition, one copy of the Plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member and to the CEO by the applicant so that it is received no less than seven days prior to the meeting.

D. Application Requirements

The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A MRSA §4494 are met.

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.

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

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

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

6. An indication of the type of sewage disposal to be used in the subdivision.

    a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sanitary district, stating that the district has the capacity to collect and treat the waste water for the specified number of dwellings, shall be furnished.

    b. When sewage disposal is to be accomplished by subsurface waste water 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. An indication of the type of water supply system(s) to be used in the subdivision.

    a. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the district approves the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants, if any, and a written statement from the district approving the design of the extension shall be submitted.

b. 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 hydrogeologist familiar with the area.

8. The date the plan was prepared, north point and graphic map scale. All pages in the submission shall be numbered consecutively in the form: 1 of __, 2 of__, …

9. The names and addresses of the record owner, applicant, and the individual or company who prepared the plan, and abutting property owners.

10. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.

11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any groupings or areas containing trees 24 inches or larger in diameter at breast height shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.

12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

13. Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.

14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

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

16. The location, names and present widths of existing streets and highways, and existing streets and highways, and existing and proposed 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 ever street 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.

17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

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

19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title 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 applicant 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 to convey title shall be included. The town is in no way obligated to accept such offers.

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, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

21. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:

    a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985 Map No. 9 (1979); or Map 18 (1987); or Map 19 (1979).

    b. The subdivision has an average density of more than one dwelling unit per 120,000 square feet.

    The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excel of one dwelling unit per 120,000 square feet; or proposed use of shared or common subsurface waste water disposal systems.

    The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 11.12.A.1 below.

22. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

23. For subdivisions involving 40 or more parking paces 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 street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

24. A storm water management plan, prepared by a registered professional engineer in accordance with the *Stormwater Management for Maine: Best Management Practices,* published by the Maine Department of Environmental Protection (1995). The Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

25. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Maine Department of Transportation, September 1997. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

Note: Items 21-25 may be waived by the Planning Board for residential subdivisions if site conditions do not warrant review of these criteria.

26. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a critical natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

27. If the proposed subdivision is in the direct watershed of a great pond, a phosphorus control plan.

    a. For subdivisions which qualify for the simplified review procedure as described in Section 11.17.A.2, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems.

    b. For subdivisions which do not qualify for the simplified review procedure as described in Section 11.17.A.2, the following shall be submitted:

        i. A phosphorus impact analysis and control plan conducted using the procedures set forth in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, September, 1992 revision.

        ii. A long-term maintenance plan for all phosphorus control measures.

        iii. The contour lines shown on the plan shall be at an interval of no less than five feet.

        iv. Areas with sustained slopes greater than 25% (25 ft. per 100 ft>) covering more than one acre shall be delineated.

28. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan as sensitive or likely to contain such sites.

29. The location and method of disposal for land clearing and construction debris.

ARTICLE 7 – PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure

A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least 21 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices during business hours. Failure to submit an application within six months 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 voted upon by the Board.

B. All applications for final plan approval for a Major Subdivision shall be accompanied by a non-refundable application fee as set by the Selectmen. Fees must be paid by the applicant during office hours at the Town Office prior to application review by the Planning Board. In addition, the Planning Board may require funds deposited into an escrow account to be used by the Planning Board for the hiring of independent consulting services to review the application. This amount shall not exceed $2,500 or $250 per lot whichever is greater. Funds not used by the Planning Board shall be returned to the applicant once the subdivision is approved, denied or the applicant withdraws his application.

C. The applicant, or the applicant's representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Board's receipt of the plan until the next meeting at which the applicant is scheduled to attend.

D. Within 7 working days of the meeting at which an application for preliminary plan approval of a major subdivision is initially presented, the Board shall:

1. Issue a dated receipt to the applicant.

2. Within 14 days, notify by certified mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. A list of abutters shall be provided to the Planning Board by the applicant at the Board meeting at which the application is initially presented.

3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

E. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of its determination.

G. The Board shall hold a public hearing within thirty of determining that it has received a complete application, shall publish a 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, and shall post the notice in the Town Office. A copy of the notice shall be mailed to the applicant.

H. Within thirty days from the public hearing or within another amount of time deemed appropriate by the Board of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

I. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the final plan;

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

3. The construction items for which cost estimates and performance guarantees will be required as pre-requisite to the approval of the final plan.

J. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

7.2 Submission

The preliminary plan application shall consist of the following items.

A. Application Form.

B. Location Map. The location map shall be drawn at a size 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:

1. Existing subdivisions within 2,500 feet of the proposed subdivision.

2. Locations and names of existing and proposed streets.

3. Boundaries and designations of zoning districts.

4. An outline o 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.

C. 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. 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. In addition, one copy of the plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member and the CEO by the applicant so that it is received no less than seven days prior to the meeting.

D. Application Requirements. The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30 MRSA, §4404 are met.

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.

2. Verification of right, title and interest in the property.

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

5. A copy of any deed restrictions intended to cover all or part of the lots and dwellings in the subdivision.

6. An indication of the types of sewage disposal to be used in the subdivision.

    a. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Warren Sanitary District shall be provided, stating the district has the capacity to collect and treat the waste water from the proposed number of dwelling units in the subdivision.
    b. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

7. An indication of the type of water supply system(s) to be used in the subdivision.
   When water is to be supplied by public water supply, a written statement from the servicing water district shall be provided indicating there is adequate supply and pressure for the proposed number of dwelling units in the subdivision.

8. The date the plan was prepared, north point, and graphic map scale. All pages in the submission shall be numbered consecutively in the form: 1 of __, 2 of __...

9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and of all adjoining property owners and abutters within 500 ft.

10. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.

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

12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

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

14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

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

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

17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

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

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

20. The location of any open space to be preserved and a description of proposed ownership, improvement and management.

21. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation (this information shall be noted on individual deeds).

22. 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, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

23. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:

    a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985 Map No. 9 (1979); or Map 18 (1987); or Map 19 (1979).

    b. The subdivision has an average density of no more than one dwelling unit per 120,000 square feet.

    The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 120,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems.

    The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 11.12.A.1 below.

24. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

25. 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 street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

26. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

27. If the proposed subdivision is in the direct watershed of a great pond, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

28. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan as sensitive or likely to contain such sites.

ARTICLE 8 – FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure

A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least 21 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices during business hours. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require re-submission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, pus any changes required by the Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or for other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the sic month period. In considering the request for an extension the Board shall make findings as to whether the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

B. All applications for final plan approval for a major subdivision shall be accompanied by an application fee as set by the Selectmen per lot or dwelling unit payable by check to the municipality.

C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, or a letter provided stating that such additional approvals are not required.

1. Maine Department of Environmental Protection, under the Site Location of Development Act.

2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a storm water management permit or a waste water discharge license is needed.

3. Maine Department of Human Services, if the applicant proposes to provide a public water system.

4. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.

5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

6. Any other State or Federal approvals as may be required.

The burden of proof rests with the applicant to assure that all required State and Federal permits are secured.

D. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with Section 7.2.D.28, the applicant may be required by the Planning Board to submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation Commission prior to submitting the final plan application.

E. The applicant, or the applicant's duly authorized representative, shall attend the meeting of the Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of the Board's receipt of the plan until the next meeting which the applicant is scheduled to attend.

F. At the meeting at which an application for final plan approval of a major subdivision is initially presented, the Board shall issue a dated receipt to the applicant.

G. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant in writing of the specific additional material needed to complete the application.

H. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the applicant.

I. The Board shall hold a hearing within thirty days of determining it has received a complete application, shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and shall post the notice in the Town Office. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing.

J. The Board shall notify the road commissioner, school superintendent, police and fire chief, and the sanitary district where applicable 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 may request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. Information provided by these entities may be used by the Planning Board in determining whether to approve the application, or what terms and conditions to place upon an application.

K. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 13.

L. Within thirty days from the public hearing or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A MRSA §4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of 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 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 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 transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of the plan shall be submitted. The applicant 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 ½ by 11 inches or 11 b y 17 inches, and all accompanying information shall be mailed to each Board member and the CEO no less than seven days prior to the meeting. All information for the plan shall be kept in the Town Office and shall be available for viewing during office hours.

The final plan shall include or be accompanied by the following information.

A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
B. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

C. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sanitary district indicating the district has reviewed and approved the sewerage design shall be submitted.

D. An indication of the type of water supply system(s) to be used in the subdivision.

    1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.

    2. 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 hydrogeologist familiar with the area.

E. The date the plan was prepared, north point, graphic map scale.

F. The names and addresses of the record owner, applicant, and the individual or company who prepared the plan.

G. The location of any zoning boundaries affecting the subdivision.

H. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

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

J. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, 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 street 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 location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.

K. Street plans, meeting the requirements of Section 12.2.B.2

L. A storm water management plan, prepared by a registered professional engineer in accordance with *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (1995). The Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

M. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Maine Department of Transportation, September 1997. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

N. The width and location of any streets or public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

O. A Listing of all parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and 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 proposed streets and/or open spaces 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 to convey title shall be included.

P. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

Q. If any portion of the proposed subdivision is in the direct watershed of a great pond, and does not qualify for the simplified review procedure for phosphorus control under Section 11.17.A.2, the following shall be submitted or indicated on the plan.

1. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the *Technical Guide*.

2. A long-term maintenance plan for all phosphorus control measures.

3. The contour lines shown on the plan shall be at an interval of no less than five feet.

4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

R. A list of constructions items, with cost estimates, that will be completed by the applicant prior to the sale of any lot or issuance of any local building or subsurface waste water or interior plumbing permits, and evidence that the applicant has financial commitments or resources to cover these costs.

S. A list of construction and maintenance items including all roadways, drainage devices and structures, permanent utilities, and erosion control measures, 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.
Street maintenance and snow removal.
Police and fire protection.
Solid waste disposal.
Recreation facilities.
Storm water drainage.
Waste water treatment.
Water supply.

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

T. The location and method of disposal for land clearing and construction debris.

U. A letter from the Fire Chief and the Road Commissioner stating their acceptance of the application.

8.3 Final Approval and Filing

A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the municipality.

B. Upon findings of fact and determination that all standards in Title 30-A MRSA, §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 of approval 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. Once the plan is recorded at the Registry of Deeds, the CEO shall be so notified by the applicant.

C. 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 ensure 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. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

D. 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 10. The Board shall make findings that the revised plan meets the criteria of Title 30-A MRSA, §4404, and the standards of 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.

E. 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 street 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.

F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect. Substantial construction shall include road base and pavements, drainage structures, and permanent utilities.

ARTICLE 9 – REVISIONS TO APPROVED PLANS

9.1 Procedure

An applicant for a revision to a previously approved plan shall, at least 21 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 and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

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.

9.4 Revision to an approved subdivision.

No lot may be further divided and no lot line may be changed or altered without the approval of the Planning Board.

ARTICLE 10 – INSPECTION AND ENFORCEMENT

10.1 Inspection of Required Improvements

A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:

   1. Notify the code enforcement officer in writing of the time when he proposes to commence construction of such improvements, so that the code enforcement officer can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

B. 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 subdivider, the inspecting official shall so report in writing to the municipal officers, Board, and the subdivider and builder.

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1% etc., the subdivider shall obtain permission from the Board to modify the plans in accordance with Article 9.

D. Prior to the sale of any lot, the subdivider shall provide the code enforcement officer with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.

E. Upon completion of street construction and all other improvements, a written certification signed by a professional engineer and the CEO shall be submitted to the planning board at the expense of the applicant,

certifying that the proposed right of way and other improvements 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. "As built" plans shall be submitted to the code enforcement officer and the Planning Board.

F. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until control is placed with a lot owners' association.

1. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of a final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

10.2 Violations and Enforcement

A. 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.

B. A person shall not 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.

C. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.

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

E. 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 plan approved as provided in these regulations and recorded in the Registry of Deeds.

F. No lot in a subdivision may be sold, leased, or otherwise conveyed or any local building, subsurface waste water or interior plumbing permit issued before the street upon which the lot fronts, including any and all connections to other roads, streets, lanes, rights-of-way, and cul-de-sacs are completed in accordance with these regulations. No unit in a multi-family development shall be occupied or any local building, subsurface waste water or interior plumbing permit issued, before the street upon which the unit is accessed is completed in accordance with these regulations.

G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A MRSA, §4452.

ARTICLE 11 – PERFORMANCE STANDARDS

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A MRSA, §4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met

prior to the approval of a final plan. Compliance with the design guidelines of Article 12 shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 12 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

11.1 Pollution

A. the proposed subdivision shall not discharge waste water to a water body without a license from the Maine Department of Environmental Protection.

B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

11.2 Sufficient Water

A. Water Supply

1. Any subdivision within the area designated in the comprehensive plan for future public water supply service shall make provisions for connection to the public system. When public water supply service will not be available at the time of construction of the subdivision a "capped system" shall be installed within the subdivision to allow future connection when service becomes available without excavation within the right-of-way of any street within the subdivision.

2. When a subdivision is to be serviced by a public water system, the complete supply system within the subdivision including fire hydrants shall be installed at the expense of the applicant. The applicant or a properly formed land owners' association will be responsible for all payments. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the fire chief.

3. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.

    a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.

    b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.

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

d. In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary. The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their constructions or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

B. Water Quality
Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

11.3 Impact on Exiting Water Supplies

In meeting the standards of Section 11.2.A, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's or company's system as necessary to alleviate existing deficiencies.

11.4 Soil Erosion

A. The proposed subdivision shall prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.

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

C. 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.

11.5 Traffic Conditions

A. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;

2. Avoid traffic congestion on any street; and

3. Provide safe and convenient circulation on public streets and within the subdivision.

B. More specifically, access and circulation shall also conform to the following standards.

1. The vehicular access to the subdivision shall be arranged to avoid through traffic use of existing streets.

2. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of the street giving access to the subdivision and neighboring streets and intersections to "E" or below.

3. 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, sidewalks, bicycle ways and traffic controls within existing public streets.

4. Accessways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.

5. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the municipality designated as growth areas in the comprehensive plan; or in non-residential subdivisions when such access shall be provided if it will:

    a. Facilitate fire protection services as approved by the fire chief; or

    b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.

6. Street Names, Signs and Lighting

    Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the CEO and the "911" officer. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed as approved by the Board.

7. Clean-up

    Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized and seeded. All on-site disposal shall be in compliance with all existing State requirements.

11.6 Sewage Disposal

A. Public System

1. The sanitary district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.

2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.

3. The sanitary district shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sanitary district or department.

B. Private System

1. When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility.

2. The applicant shall submit evidence of site 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.

    a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to a disposal area on soils which meet the Disposal Rules.

    b. 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.

    c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

11.7 Impact on the Municipality's Ability to Dispose of Solid Waste

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or threatens to cause the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements at his own expense for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline

A. Preservation of Natural Beauty and Aesthetics

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.

2. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.

3. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.

4. When a proposed subdivision street traverses open fields the plans shall include the planting of trees or shrubberies to screen houses within the subdivision.

B. Retention of Open Spaces and Natural or Historic Features

1. If any portion of the subdivision is located within an area designated as open space or greenbelt, that portion shall be reserved for open space preservation.

2. If any portion of the subdivision is within the village district, the applicant shall take reasonable measures to design the dwellings so that they complement and blend aesthetically with the other structures in the village. Architectural considerations should include roof pitch siding, trim detail, site placement and basic historic building styles already existing within the village.

3. If any portion of the subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

4. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. Protection measures shall be approved in writing by the Maine Historical Preservation Commission and recorded on the appropriate deed.

5. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreated in the portion of the municipality in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.

6. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

7. Reserved open space land may be dedicated to the municipality.

8. If development is in the village district, non-contiguous land may be used in lieu of open space requirements to meet the density requirements outlined in this ordinance. This offsetting land must meet the requirements for developable land as outlined in this ordinance and must have at least 33 ft. border upon an existing town road. The total amount of the non-contiguous land used to offset a village district subdivision must be comprised of only one off site parcel.

C. Protection of Significant Wildlife Habitat

If any portion of a proposed subdivision lies within:

1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:

    a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;

    b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

    c. Shorebird nesting, feeding and staging areas and seabird nesting islands;

    d. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission;

the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

D. Any existing 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.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances

All lots shall meet the minimum dimensional requirements of the zoning ordinance for zoning district in which they are located except where specifically changed by this Ordinance. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance.

In addition to the minimum net residential density shall be not less than 120,000 square feet per dwelling unit.

11.10 Financial and Technical Capacity

A. Financial Capacity

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

11.11 Impact on Water Quality or Shoreline

Cutting or removal of vegetation along waterbodies shall not increase water temperature, result in shoreline erosion or sedimentation of waterbodies.

11.12 Impact on Ground Water Quality or Quantity

A. Ground Water Quality

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

    a. A map showing the basic soils types.

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

    c. Drainage conditions throughout the subdivision.

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

    e. 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, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.

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

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

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

4. If ground water contains contaminants in excess of the primary 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.

5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
6. 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 or other measures to reduce ground water contamination and protect drinking water supplies 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.

B. Ground Water Quantity

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

11.13 Floodplain Management

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.

B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

11.14 Identification of Freshwater Wetlands

Freshwater wetlands shall be identified in accordance with the 1987 *Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers.

11.15 Storm Water Management

A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental protection, 1995, in conformance with the policies of the comprehensive plan. The storm water management system shall be designed to meet the following standards:

1. Quantity

Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond or the ocean.

2. Quality
    a. Major Subdivisions

        Storm water run-off in major subdivisions must be treated by the use of best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, to achieve, by design, 40% reduction in total suspended solids.

    b. Minor Subdivisions

        Storm water run-off in minor subdivisions must be treated by the use of best management practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995, to achieve, by design, 15% reduction in total suspended solids.

B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Whenever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.

11.16 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services

A. All open space common land, non-contiguous lands used to offset density requirements, facilities and property shall be owned by:
    1. The owners of the lots or dwelling units by means of a lot owners' association;
    2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
    3. The municipality
    In the case of non-contiguous offset, a deed conveying the offset land to one entity with the restrictions guaranteeing that the offsetting parcel shall permanently remain available only for agriculture, forestry, conservation, low impact recreation, or one house lot with no further parceling or subdividing allowed.

B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, 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. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.

C. The common land except for non-contiguous lands or open space shall be shown on the final plan with appropriate notation on the plan to indicate:

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

    2. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.

D. The final plan application shall include the following:

1. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.

2. Draft articles of incorporation of the proposed low owners' association as a not-for-profit corporation; and

3. Draft by-laws of the proposed low owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

E. In combination, the documents referenced in paragraph D above shall provide for the following.

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

2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.

3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

4. In the event of a malfunctioning waste water disposal unit including septic tanks, cesspools, cisterns, dry wells, drainage beds, drains, sewer lines and pipes and the like, the association or subdivider upon complaint or on their own information, shall have the power order a remedy upon the owner occupant of the malfunctioning unit. In the event a nuisance is not abated within ten (10) days, the association shall have the power to make necessary repairs and to charge the owner for actual and direct expenses. The association shall have the power to make necessary repairs and to charge the owner for actual and direct expenses. The association shall have the power to place a lien on the property of members who fail to repair malfunctioning waste water disposal systems or to pay for their repair. In the event that a remedy is not abated by the owner or the association the Town may initiate enforcement and repair measures in accordance with MRSA, §3428.

5. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Board upon request of the lot owners' association or the developer.

11.17 Phosphorus Impacts on Great Ponds

A. Simplified Phosphorus Review for Minor Subdivisions

This review may be used for a

1. Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three lot subdivision or 600 feet for a four lot subdivision.

2. Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions; or

3. Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

   A proposed subdivision which creates lots which could be further divided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

B. Standard Phosphorus Review for Major Subdivisions

This section shall apply to proposed subdivisions which do not qualify for the simplified review. Phosphorus export from a proposed development shall be calculated according to the procedures in *Phosphorus Control in Lake Watersheds: A Technical guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992. When a proposed subdivision creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

C. Maintenance and Use Restrictions for Phosphorus Control Measures
Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

1. Vegetative Buffer Strips

   Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the plan. Where a vegetative buffer strip is to be owned in common by property owners in the subdivision, documentation establishing the lot owners' association shall include the following standards.

   a. Wooded Buffers
   b.

   Maintenance provisions for wooded buffers shall provide for either of the following two options.

      i. No disturbance

      Maintenance and use provisions for wooded buffer strips which are located on hydrologic soil group D soils and within 250 feet of the great pond or a tributary, or which are located on slopes over 20% shall include the following.

         1. Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.

         2. All existing undergrowth (vegetation less than four feet high) forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking

path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.

3. Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.

4. No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.

5. Buffers shall not be used for all terrain vehicle or vehicular traffic.

ii. Limited Disturbance

Maintenance and use provisions for other buffer strips may include the following:

1. There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained.

2. Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.

3. Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.

4. Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.

5. Where the removal of storm-damaged, diseased, unsafe or dead trees results in a cleared opening, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.

6. Buffers shall not be used for all terrain vehicle or vehicular traffic.

c. Non-wooded Buffers

i. Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.

ii. A buffer must maintain a dense, complete and vigorous cover of “non-lawn” vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.

iii. Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.

iv. Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

2. Infiltration Systems

Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992. Requirements for maintenance shall be included in deed restrictions and as notes upon the plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, a lot owners' association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

3. Wet Ponds

A lot owners' association shall be established to maintain wet ponds, unless the municipality or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992.

ARTICLE 12 – DESIGN GUIDELINES

This article is intended to provide an example of design guidelines, which if followed will result in meeting the appropriate performance standards of Article 11. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

12.1 Sufficient Water

A. Well Construction

1. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and note on the plan.

2. Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.

B. Fire Protection

1. General Requirements

a. The purpose of this subsection is to establish standards for the installation of fire protection water supply systems in subdivisions where public water supplies are not available.

b. The subdivision plan shall provide that a minimum of two hundred fifty thousand (250,000) gallons of stored usable water (hereinafter pond), as certified by a professional engineer, is available for the purpose of supplying fire flow requirements of one thousand (1,000) gallons per minute for the duration of two (2) hours. The certifying engineer shall be acceptable to both the subdivider and the Fire Department Chief or other fire department officer designated by the chief (hereinafter Chief). The minimum 250,000 gallons of water shall be calculated from the top side of the dry hydrant suction screen and from the bottom of eighteen inches (18") of winter ice.

c. The subdivision plan shall depict the location of the pond and the means of access to the pond, including a "turnout," if one is required. The maximum distance from the dry hydrant and/or the drafting point of the pond to any lot within the subdivision shall be no greater than fifteen hundred feet (1500') by road.

d. The water supply system details will be included in initial plans submitted by the developer to the planning board. The subdivider shall provide a detailed plan of the water supply system, including the pond, dry hydrant, piping, overflow, access road and turnout. The planning board will accept a plan after the Fire Chief and Road Commissioner (hereinafter commissioner) have concurred in writing as to their approval of the plan. The detailed plan shall be consistent with the general plan as depicted in the final approved subdivision plan.

e. Prior to any lot within the subdivision being sold and prior to any building permit being issued for a structure or use within the subdivision, the water supply system, including pond, dry hydrant, piping and access road and turnout shall be installed in good working order, tested, and approved by the Fire Chief.

2. Waivers

a. Waivers to this section may be granted by the Planning Board in accordance with Article 14 of these regulations, with review and comment from the Fire Chief and in accordance with the following conditions:

i. A waiver granting relief from construction of a pond within the subdivision may be granted only if permanently accessible water supplies, such as large streams, rivers, quarries, fire ponds, etc. exist within the distance requirements set forth in item 12.1.B.1.c above, and meet or exceed the fire flow and water reserve requirements set forth in item 12.1.B.1.b above, or if the subdivider demonstrates that due or soil or other considerations, a pond cannot be supported. In cases where a pond cannot be supported underground storage tanks, the size and number of which shall be determined by the Fire Chief, may be considered an alternative water source to a pond.

ii. Waivers to the minimum gallonage requirements set forth in item 12.1.B.1.b above may be granted for subdivisions of less than five (5) lots if fire load requirements (such as wildfire interface conditions) would enable a gallonage reduction. Waivers under this section may only be granted with the consent of the Fire Chief.

iii. Waivers to the technical design standards contained in subsection "4. Fire Ponds" may be granted by the Fire Chief. Waivers for the requirement for a dry hydrant or to the technical design standards as contained in subsection "5. Dry Hydrants" may be granted by the Fire Chief.

3. Access

a. In cases where the dry hydrant cannot be placed next to a town accepted road, an access road and turnout to the dry hydrant area shall be provided. The access road and turnout shall allow a fire department pumper to connect to the dry hydrant connection with one (1) ten food (10') length of hard suction hose and to allow two (2) ten food (10') lengths of hard suction hose with a strainer to be placed into pond with a depth over the strainer sufficient to draft water at a rate of one thousand (1,000) gallons per minute without whirlpooling.

b. The access road and turnout shall be a minimum of fifty feet (50') long and eighteen feet (18') wide and capable of handling fire department apparatus is all seasons and weather conditions. The access road and turnout shall be approved by the commissioner and fire chief and meet, or exceed, town road standards as set forth in these regulations. The access road shall be posted "No Parking Fire Lane" with a sign measuring 24" x 30" with 4" letters.

c. A deeded right of way or easement shall be given to the Town granting the Town the right, to be exercised at its sole option and discretion, to maintain and use the water supply system, including dry hydrant, piping, access road and turnout. Acceptance of this right of way or easement shall not constitute acceptance of any part of the subdivision or its road system as town property, a town road or a town facility.

d. The Board of Selectmen are authorized to accept, on behalf of the Town, deeds as described in 12.1.B.3.c above.

e. Fencing is optional at the discretion of the subdivider. If a fence is installed it shall have a locked gate access point and the Fire Chief shall be provided with a set of keys for the gate. The gate opening shall have a minimum size of 12" to allow for the easy and safe hookup to the dry hydrant and/or for drafting from the ground.

4. Fire Ponds

a. Fire ponds shall be designed with a two to one (2:1) pitched banking with a minimum depth of ten feet (10').

b. The water storage level shall be maintained at all times by one or a combination of the following: a spring, well point, pumping facility, rain and snow run off, or other method approved by the Fire Chief.

c. An overflow system shall be installed with proper drainage materials and facilities to handled the projected overflow.

d. The area around the pond shall be graded, seeded and mulched to prevent erosion.

5. Dry Hydrants

    a. Dry hydrants shall be installed in all ponds in accordance with the following standards:

        i. A minimum of six-inch (6") piping and fittings shall be utilized from the screen to the 90 degree elbow.

        ii. Piping and fittings shall be a minimum schedule forty (40) rating. The steamer hose connection shall be bronze with five inch (5") National Standard Thread (NST).

        iii. The riser piping and the ninety (90) degree elbow shall be six inch (6") schedule forty (40) steel or schedule 80 PVC.

        iv. The piping from the suction screen to the ninety (90) degree elbow below the ground shall be schedule 40 steel or schedule 40 PVC pipe capped off at the screen end.

        v. All PVC pipe connections shall be cleaned and cemented so as to provide air tight connections.

        vi. The ninety (90) degree elbow below ground shall have six feet (6') of cover from the finished grade.

        vii. The maximum amount of lift permitted shall be fifteen feet (15'), as measured from the surface of the water to the center of the suction inlet of the pumper at draft or at the dry hydrant.

        viii. The riser piping shall be exposed above grade level twenty-four inches (24") as measured from the center of the dry hydrant opening to the grade level of the fire apparatus position.

        ix. A suction screen shall be factory made or formed in the end of the steel or PVC pipe by drilling a minimum of nine hundred sixty (960) 3/8" holes along the piping leaving a four inch (4") wide strip along the top of the pipe that is not drilled. The suction screen shall be raised off the bottom of the pond twenty-four inches (24"), and shall be a minimum of eight feet away from any sides of the pond.

        x. All pipings and fittings exposed to sunlight shall be primed and painted with red paint, except the threads of the steamer connection.

        xi. The hydrant riser pipe shall be protected with four inch (4") diameter steel bumpers made from 8' posts that are at least three feet (3') above grade. These posts are to be painted as in item "x" above. Areas is to be kept clear with a sign posted "No Parking Fire Lane" as described in 12.1.B.3.b.

6. Fire hydrants connected to a public water supply system shall be located no further than 1000 feet between hydrants.

12.2 Traffic Conditions

A. Access Control

1. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street. An exception may be made by the Planning Board for minor subdivision.

2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

3. Subdivision Access Design for Subdivisions Entering onto Arterial Streets. When the access to a subdivision is a street, the street design and construction standards of Section 12.2.B below shall be met. Where there is a conflict between the standards in this section and standards of Section 12.2.B, the stricter or more stringent shall apply.

    a. General

        Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the Trip Generation Manual, 1991 edition, published by the Institute of Transportation Engineers.

        i. Low Volume Access: An access with 50 vehicle trips per day or less.

        ii. Medium Volume Access: Any access with more than 50 vehicle trips per day but less than 200 peak hour vehicle trips per day.

        iii. High Volume Access: Peak hour volume of 200 vehicle trips or greater. No development that will generate High Volume Access shall be permitted except on Route 1 or Route 90.

    b. Sight Distances

        Access shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distances shall be measured from the drivers seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ¼ feet above the pavement. The required sight distances are listed by road width and for various posted speed limits.

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

    c. Vertical Alignment

        Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. The maximum grade over the entire length shall not exceed 10%.

    d. Low Volume Accesses

i. 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 75 degrees.

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

iii. Access Width
The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

e. Medium Volume Accesses

i. 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◦ as site conditions permit, but in no case less than 75◦.

ii. Curb radius
Curb radii will vary depending if the access has 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.

iii. Width
On a two-way access the width shall be between 24 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.

iv. 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.

f. High Volume Accesses

i. Skew Angle
High Volume Accesses shall intersect the road at an angle as nearly to nearly 90◦ as site conditions permit, but in no case less than 75◦.

ii. 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.

iii. 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.

iv. 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.

v. 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 feet, with a preferred width of 20 feet.

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

g. Access Location and Spacing

i. Minimum Corner Clearance

Corner clearance shall be measured from the point of tangency for the corner to the point of tangency 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 in Table 12.2-1, based upon access volume and intersection type.

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 streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

	Minimum Corner Clearance (feet)	
	Intersection Signalized	Intersection Unsignalized
Access Type		
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

h. Number of Accesses

The maximum number of accesses on to a single street is controlled by the available site frontage. No traffic generator shall have more than two two-way accesses.

i. Construction Materials/Paving

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

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

B. Street Design

1. General Requirements

a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement now or in the future.

b. Applicants 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 streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:

i. Date, scale, and north point, indicating magnetic or true.

ii. Intersections of the proposed street with existing streets.

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

iv. 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.

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

vi. Turning radii at all intersections.

vii. Centerline gradients.

viii. Size, type and 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.

c. Where the applicant proposes improvement within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.

2. Street Design Standards (note: references to private rights of way apply only to minor subdivisions)

a. These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a

subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of Article 11.

b. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.

c. 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 street 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 streets in these regulations.

d. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), 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.

e. The design standards of Table 12.2-2 shall apply according to street classification.

Table 12.2-2
Street Design Guidelines

	←----------Type of Street----------→				Industrial/
Description	Arterial	Collector	Minor	Private ROW	Commercial
Min. ROW Width	80'	50'	50'	50'	60'
Minimum Traveled Way Width	44'	24'	20'	18'	30'
Minimum Width of Shoulders (each side)	5'	3'	3'	3'	9'
Sidewalk Width (where required)	8'	5'	5'	N/A	8'
Minimum Grade	.5%	.5%	.5%	N/A	.5%
Maximum Grade*	5%	6%	8%	8%	5%
Minimum Centerline Radius					
Without Superelevation	500'	280'	280'	175'	400'
With Superelevation	350'	175'	175'	110'	300'
Roadway Crown**	1/4"/ft	1/4"/ft	1/4"/ft	***	1/4"/ft
Minimum Angle of Street Intersections****	90°	90°	75°	75°	90°
Maximum Grade within 75 ft. of Intersection	3%	3%	3%	N/A	3%
Minimum Curb Radii at Intersections	30'	25'	20'	N/A	30'*****
Minimum R/O/W Radii at Intersections	20'	10'	10'	10'	20'

* Maximum grade may be increased to 8% for a length of 100 feet or less.
** Roadway crown is per foot of lane width.
*** Gravel surfaces shall have a minimum crown of 3/4 inch per foot of lane width.
**** Street 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.

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

g. Dead End Streets

In addition to the design standards in Table 12.2-2, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following minimum requirements for radii: Property line: 60 feet; outer edge of pavement: 50 feet; inner edge of pavement: 30 feet. 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 street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.

h. Grades, Intersections, and Sight Distances

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

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

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (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 foot.

iii. Where new street 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 curbline or edge of shoulder, with the height of the eye 3 1/2 feet, to the top of an object 4 1/4 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.

iv. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

i. Sidewalks

The Planning board may require sidewalks due to safety concerns or to ensure that developments blend harmoniously with the surroundings. Where installed, sidewalks shall meet these minimum requirements.

i. Location

Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed.

ii. Bituminous Sidewalks

1. The "subbase" aggregate course shall be no less than twelve inches thick after compaction.

2. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

iii. Portland Cement Concrete Sidewalks

1. The "subbase" aggregate shall be no less than twelve inches thick after compaction.

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.

j. Curbs shall be installed in all areas with sidewalks. Granite or concrete curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

3. Street Construction Standards

a. The minimum thickness of material after compaction shall meet the specifications in Table 12.2-3.

Table 12.2-3
Minimum pavement Materials Thicknesses

Street Materials	Arterial	Collector	Minor	Industrial/ Commercial
Aggregate Subbase Course (Max. sized stone 6")				
Without Base Gravel	24"	18"	18"	24"
With Base Gravel	20"	15"	15"	20"
Crushed Aggregate Base Course (if necessary)	4"	3"	3"	4"
Hot Bituminous Pavement				
Total Thickness	3"	3"	3"	4"
Surface Course	1 ¼"	1 ¼"	1 ¼"	1 ¼"
Base Course	1 ¾"	1 ¾"	1 ¾"	2 ¾"
Surface Gravel	N/A	N/A	N/A	N/A

b. Preparation

i. 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.

ii. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

iii. All organic materials or other deleterious material 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 municipal engineer as not suitable for roadways, either 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, or a Maine Department of Transportation approved stabilization geotextile may be used.

iv. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.

v. 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.

c. Bases and Pavement

i. Bases/Subbase

1. The Aggregate subbase 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 three inch square mesh sieve shall meet the grading requirements of Table 12.2-4.

Table 12.2-4
Aggregate Subbase Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

2. If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed 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 three inch square mesh sieve shall meet the grading requirements of Table 12.2-5.

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

Table 12.2-5
Base Course Grading Requirements

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

ii. 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.

iii. Pavements

1. Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

2. Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

iv. Surface Gravel for Minor Subdivisions, Private Rights-of-Way (servicing more than one (1) lot).

Private Rights-of-Way need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two inches in size and meet the grading requirements of Table 12.2-6.

Table 12.2-6
Surface Gravel Grading Requirements for Minor Subdivisions and Private Right-of-Way
Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
2 inch	95-100%
1/2 inch	30-65%
No. 200	7-12%

12.3 Wildlife Habitat, Rare natural Areas or Public Access to the Shoreline

A. Preservation of Natural Beauty and Aesthetics

1. Unless located in areas designated as a growth area in the comprehensive plan, a subdivision in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.

2. Unless located in areas designated as a growth area in the comprehensive plan, building location shall be restricted from open fields, and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of building when viewed from existing public streets.

3. When a proposed subdivision contains a ridge line identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.

4. When a proposed subdivision street traverses open fields, the plan shall include the planting of trees or shrubberies to screen houses within the subdivision.

5. Houses in the village district shall be traditional styled houses in keeping with the existing character of the Warren village area.

B. Retention of Open Spaces and Natural or Historic Features

1. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas

The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall apply to only those subdivision which include significant wildlife habitat or resources identified in Section 11.8.C.

1. Protection of Habitat or Endangered or Threatened Species

    a. Habitat or species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space.

b. Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.

2. Protection of Waterfowl, Shorebird, and Wading Bird Habitat, Atlantic Salmon and Alewife Spawning and Nursery Areas

   a. There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:

      i. Shorebird nesting, feeding and staging areas and seabird nesting islands;

      ii. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

      iii. Critical spawning and nursery areas for Alewives and Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or

      iv. Other important habitat areas identified in the comprehensive plan.

   b. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

3. Protection of Deer Wintering Areas

   The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.

4. Protection of Important Shoreland Areas

   a. Except as in areas described in Section 12.3.C.2, within all areas subject to the state mandated 250 foot shoreland zone:

      i. Tree removal shall be limited to no more than 40% of the volume of trees 4 inches or more in diameter measured at 4 ½ feet above the ground level on any lot in any ten year period.

      ii. Cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, shall not exceed in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

   b. These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

5. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist and their comments presented in writing to the Board.

12.4 Storm Water Management Design Guidelines

A. Design of best management practices shall be substantially equivalent to those described in the *Storm Water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995.

B. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.

C. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. 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 three 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.

D. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.

E. Storm Drainage Construction Standards

1. Materials

a. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.

b. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC)pipe and corrugated aluminum alloy pipe.

c. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.

2. Pipe Gauges

Metallic storm drainage pipe shall meet the thickness requirements of Table 12.4-1, depending on pipe diameter:

Table 12.4-1
Culvert Size and Thicknesses Material

Inside Diameter	Galvanized CMP Aluminum Coated CMP Corrugated Aluminum Alloy	Aluminum/Zinc Coated CMP Polymer Coated CMP
15” to 24”	14 ga.	16 ga.
30” to 36”	12 ga.	14 ga.
42” to 54”	10 ga.	12 ga.
60” to 72”	8 ga.	10 ga.

3. 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.

4. 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.

F. 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.

12.5 Impact on Water Quality or Shoreline

Within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include any such land shall contain the following restrictions:

A. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the foot path shall be limited to six feet.

B. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten year period.

C. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.

D. Pruning of tree branches, on the bottom third of the tree is permitted.

12.6 Lots

All lots outside of the Village District shall conform to the Land Use Ordinance except where specifically changed by this Ordinance. Lots shall be laid out so that a 200 ft. x 200 ft. square shall fit inside the lot lines without covering or crossing any part of any lot line, right-of-way, easement (temporary or permanent), dedicated open space, driveway or walkway which may be used by any other lot, lots or people not in ownership of the lot being checked.

A. Subdivisions shall be designed to comply with the following lot size requirements:

Village District……40,000 square feet
(20,000 when serviced by public water and sewer)
All Other……60,000 square feet
Maximum density per dwelling unit……..120,000 square feet

B. Wherever possible, side lot lines shall be perpendicular to the street.

C. 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 division. Deed restrictions and notes on the plan shall either

prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulations and conditions placed on the original approval.

D. If a lot on one side of a stream, tidal water, new 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 new road to meet the minimum lot size.

E. The ratio of lot length to width shall not be more than three to one. 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.

F. In areas served by a postal carrier, 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 street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be approved by the code enforcement officer, the "911" officer, the Tax Assessors' Agent and commented on by the Fire Chief.

12.7 Utilities

Utilities serving subdivisions in areas designated by the comprehensive plan as growth areas shall be installed underground where practical. Utilities serving lots with a street frontage of 125 feet or less shall be installed underground. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordable housing in the comprehensive plan.

12.8 Monuments

A. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
B. Stone or concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at the final grade level. After they are set, drill hole 1/2 inch deep shall locate the point or points described above.
C. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration for Land Surveyors.

12.9 Cluster Developments

A. Purpose

The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of the zoning ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances.

B. Application Procedure

The Planning board may allow lots within subdivisions to be reduced in area and width below the minimum normally required by this ordinance in return for open space where the Board determines that the benefits of the cluster approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features without increasing the net density of the development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this ordinance, and if not serviced by public sewer have an area suitable for subsurface waste water disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of buildable lots or dwelling units in the cluster development shall in no case exceed the number of lots or dwelling units in the standard subdivision.

Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to moderate-to-high value wildlife and waterfowl habitats, important agricultural soils, moderate-to-high yield aquifers and important natural or historic sites identified by the comprehensive plan as worthy of preservation. The statement shall also compare the impacts upon the municipality from each plan. Examples of impacts are municipal cost for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of flood water storage areas, environmental impacts on sensitive lands caused by construction activities, underground utilities, reclamation of land and provision of land for conservation use.

Within ten days of receiving the application, the Board shall invite comments on the application from the conservation commission, the recreation commission, other appropriate town agencies, and abutters. Within thirty days of receiving the application, the Board shall determine whether to allow the subdivision to be developed in accordance with the cluster standards of this section.

C. Basic Requirements for Cluster Developments

1. Cluster developments shall meet all requirements of these regulation.

2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The application shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of these regulation.

3. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:

    a. 15% of the area of the lot to account for roads and parking.

    b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Board.

    c. Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.

d. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:

    i. Slopes greater than 20%.

    ii. Organic soils.

    iii. Wetland soils.
    iv. 50% of the poorly drained soils.

    v. Coastal sand dunes.

e. Portions of the lot subject to rights of way.

f. Portions of the lot located in the resource protection zone.

g. Portions of the lot covered by surface waters.

h. Portions of the lot utilized for storm water management facilities.

4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the zoning ordinance. No building shall be sited on slopes steeper than 25% within 100 feet of any water body or wetland, or on soil classified as being very poorly drained. The "no-build" zone as well as the building envelope shall be shown on the drawings.

5. Unless a community sewage collection and treatment system is provided, no lot shall be smaller in area than 20,000 square feet.

6. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. No less than 30% of the reserved open space shall be usable open space.

7. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.

8. The distance between buildings shall be no less than the minimum building setback as defined in the Land Use Ordinance.

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

10. Shore frontage shall not be reduced below the minimum normally required by the zoning ordinance.

11. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

ARTICLE 13 – PERFORMANCE GUARANTEES

13.1 Types of Guarantees

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

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

B. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or town manager;

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or town manager; or:

D. 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 the municipal engineer, road commissioner, municipal officers, and/or municipal 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 applicant will be in default and the municipality 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 applicant, 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 applicant 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 applicant 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 applicant, 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 applicant to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees provided that:

A. 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:

B. 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 that 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 street which is covered by a performance guarantee, provided that roads and cul-de-sacs are completed. 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 code enforcement officer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

13.9 Default

If upon inspection, the municipal engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she hall so report in writing to the code enforcement officer, the municipal officers, the Board and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

13.10 Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

ARTICLE 14 – WAIVERS

14.1 Waivers Authorized

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, 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 comprehensive plan, the zoning ordinance, or these regulations.

14.2 Findings of Fact Required

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, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

14.3 Conditions

Waivers may only be granted in accordance with Sections 14.1 and 14.2. when granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

14.4 Waivers to be Shown on Final Plan

When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 15 – APPEALS

15.1 Appeals to Superior Court

An aggrieved party may appeal any decision of the Board under these regulations to Knox County superior Court, within thirty days of the date the Board issues a written order of its decisions.

****

Notes: When documents are referenced in this ordinance, the intent is that the most recent version of that document apply. To every extent practical, all documents referenced in this ordinance will be available at the Warren Town Office. When construction materials are referenced in this document, the intent is to provide a minimum standard. Alternate materials may be substituted subject to the approval of the Planning Board.