$3.00

Town of Harrison

SUBDIVISION ORDINANCE

ADOPTED: June 12, 1996
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June 14, 2006
June 13, 2012
ADOPTED: June 11, 2019
AMENDED: July 14, 2020

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SECTION 1 – PURPOSE

The purpose of this Ordinance is:

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 30-A, M.R.S.A. §4404;

1.3 To assure new development in the Town of Harrison meets the goals and conforms to the policies of the Town of Harrison's 2009 Comprehensive Plan;

1.4 To assure the comfort, convenience, safety, health and welfare of the people of the Town of Harrison;

1.5 To protect the environment and conserve the natural and cultural resources identified in the 2009 Comprehensive Plan as important to the community;

1.6 To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

1.7 To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and

1.8 To promote the development of an economically sound and stable community.

SECTION 2 – AUTHORITY AND ADMINISTRATION

2.1 Authority

A. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, Section 3001.

B. These standards shall be known and may be cited as Town of Harrison "Subdivision Ordinance".

2.2 Administration

A. The Planning Board of the Town of Harrison, hereinafter called the Board, shall administer this Ordinance.
B. The provisions of this Ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Harrison.

2.3 Amendments

A. This Ordinance may only be amended by the Legislative Body of the Town of Harrison.

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

2.4 Conflict with other Ordinances

A. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or any other Ordinance, regulation or standard, the more restrictive provision shall apply.

2.5 Effective Date

A. The effective date of this Ordinance shall be July 14, 2020..

2.6 Validity and Severability

A. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

2.7 Repeal of Existing Subdivision Ordinances

A. Adoption of this Ordinance shall repeal any and all previously adopted Subdivision Ordinances for the Town of Harrison.

SECTION 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 Shoreland Zoning Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

3rd Party Inspector:

An independent person, firm, or company hired to supervise and/or monitor compliance of construction requirements. Can be hired by the developer or the Town.

Affordable Housing:

Housing units, which will meet the sales price and/or rental targets, established by the comprehensive plan for housing affordability.

Applicant:

The person applying for subdivision approval under these regulations.

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.

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.

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 this ordinance, or by a vote of 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 30% 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 sub-divider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multi-family development, or if the applicant proposes to construct the buildings within the subdivision, the cost of the 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 nonpossessory 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.

Density:

The number of dwelling units per acre of land.

Developed Area:

Any area on which a site improvement or change is made, including building, 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 applicant can't 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 registered land surveyor showing where the drainage divide lies.

Driveway:

A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling or less.

Dwelling Units:

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

Engineered Subsurface Waste Water Disposal System:

A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

Farmland:

A parcel consisting of 5 or more acres of land that is:

A. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or

B. Used for the production of agricultural products as defined in Title 7, section 152, subsection 2. ("Agricultural products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.)

Final Plan:

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

Freshwater Wetland:

Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support a prevalence of wetland vegetation typically adapted for life in saturated soils and 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.

Great Pond:

Any inland body of water which in a natural state has a surface area 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 this Ordinance, 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 system shall not be considered to constitute high intensity soil surveys.

100-Year Flood:

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

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 predominately terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or pond, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Liquidation harvesting:

The purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years.

Minimum Lot Size:

As dictated by the current building ordinance or most restrictive applicable ordinance.

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, on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development.

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 September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

Person:

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

Planning Board:

The Planning Board of the Town of Harrison.

Preliminary Plan:

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

Professional Engineer:

A professional engineer, registered in the State of Maine.

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.

Sight Distance:

The length of an unobstructed view from a particular reference, on a roadway. Used in these regulations as a reference for unobstructed road visibility.

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.

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.

Cul-de-sac:

A street with only one outlet and having the other end for reversal of traffic movement.

Industrial or Commercial Street:

Streets servicing industrial or commercial use.

Minor Residential Street:

A street servicing only residential properties which has an average daily traffic of less than 200 vehicles per day.

Private Right -of- Way:

A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision:

The division of a tract or parcel of land into three or more lots as defined by Title 30-A M.R.S.A. Section 4401. In addition, shall include developments where there are three or more units involved such as mobile home parks, multiple family housing, apartment houses, multiple housing units, and condominiums.

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.

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 have ledge out-cropping's or areas with slopes exceeding 10%.

SECTION 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 ten 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 ten business days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer or the Board secretary. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

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

5.1 Purpose

A. The purpose of the preapplication 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. The date of the on-site inspection is selected.

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 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. It is required that the sketch plan be superimposed on or

accompanied by a copy of the assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:

A. 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.

C. Liquidation Harvesting

1. The Board shall ascertain that any timber harvested on the parcel being subdivided, has been harvested in compliance with rules adopted pursuant to 12 M.R.S.A. §8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, The Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.

   a. The Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determining whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76.

   b. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred.

   c. If the Bureau notifies the Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester.

5.4 Contour Interval and On-Site Inspection

Within forty-five 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 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. If the Board cannot conduct an on-site inspection for any reason, another time limit will be mutually agreed upon.

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 M.R.S.A., §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 pre-application meeting and application shall be maintained in the file.

SECTION 6 – PRELIMINARY PLAN

6.1 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 ten days prior to a scheduled meeting of the board. Applications shall be submitted by mail to the board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. 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 made by the Board.

B. All applications for final plan approval for a subdivision shall be accompanied by a nonrefundable application fee of (See Town Fee Schedule) per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of (See Town Fee Schedule) per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent Consulting services to review the application, if necessary. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional (See Town Fee Schedule) per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional (See Town Fee Schedule) per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising.

C. The applicant, or his duly authorized 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 that the applicant attends.

D. Within fifteen (15) days of the meeting at which an application for preliminary plan approval of a subdivision is initially presented, the Board shall:

1. Issue a dated receipt to the applicant.

2. Notify in writing all owners of abutting property that the application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project

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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 forty-five (45) 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, the Board shall notify the applicant in writing of its determination. The Board shall determine whether to hold a public hearing on the preliminary plan application.

G. If the Board decides to hold a public hearing, it shall hold the hearing within forty-five (45) days of determining that it has received a complete application, and 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. A copy of the notice shall be mailed to the applicant and abutters.

H. Within forty-five (45) days from the public hearing or within sixty days 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 with conditions or deny the preliminary plan application. The Board shall specify in writing its findings of fact and reasons for any conditions or denial.

I. The Board shall notify the road commissioner and fire chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. The Board shall also notify the Superintendent of Schools of the number of dwelling units proposed.

J. 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. A list of construction items with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.

K. Approval of the 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 the Ordinance and the conditions of preliminary approval, if any. 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.

6.2 Submissions

The preliminary plan 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 in the proximity 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 preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

C. Preliminary Plan

The preliminary plan shall be submitted in electronic form e.g. (PDF), (TIF) and two paper 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 11 by 17 inches, and all accompanying information shall be submitted, to the CODE ENFORCEMENT OFFICER no less than ten business 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-A, M.R.S.A §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 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 registered 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 or dwelling in the subdivision.

6. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pits 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 submitted indicating there is adequate supply and pressure for the subdivision.

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

9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining 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 trees larger than 24 inches 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 shoreland zoning district in which the proposed subdivision is located and the location of any aquifer district boundaries affecting the subdivision.

15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways, and other underground utilities 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, building envelopes and lot areas.

    a. Sideline setback for structures is 20 feet
    b. Rear setback for structures is 20 feet.

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 any proposed restrictions to be placed on clearing existing vegetation.

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 a subdivision is located over a sand and gravel aquifer, as shown on a digital map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, or

    b. the subdivision has an average density of more than one dwelling unit per 100,000 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 excess of one dwelling 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 10.13.A.1.

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 the New Road Construction Ordinance Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

25. 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.

26. 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 immersions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

27. If the proposed subdivision involves farmland (MRS 7 Chapter 6), a map or plan of the subdivision identifying the farmland is required.

28. A copy of the approved Driveway or Entrance permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Rt. 117, Bolsters Mills Road or Rt. 35.

SECTION 7 – FINAL PLAN

7.1 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 ten business days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Code Enforcement Officer in care of the municipal offices or delivered by hand to the municipal offices. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

B. If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or 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 expansion of the filing period. In considering the request for an extension the Board shall make findings that 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.

C. All applications for final plan approval for a subdivision shall be accompanied by a fee as established and revised from time to time, by the Board of Selectmen and listed in the Town Fee Schedule. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

D. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a stormwater management permit or a wastewater discharge license is needed.
2. Maine Department of Human Services, if the applicant proposes to provide a public water system.
3. Maine Department of Human Services, if an engineered subsurface waste water disposal System(s) is to be utilized.

E. The applicant, or his 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 attends.

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

G. Within forty-five (45) 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.

H. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the final plan application.

I. If the Board decides to hold a public hearing, it shall hold the hearing within forty-five (45) days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation to be at least seven days before the hearing. 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. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 12.

K. Within forty-five (45) days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A.§4404 and the standards of this Ordinance. If the Board finds that all the criteria of the statute and the

standards of this Ordinance 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.

7.2 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. Two plans shall be no larger than 24 by 36 inches in size with a minimum paper weight of 20lbs. and shall have a margin of two inches outside of the borderline 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 paper copies of the plan and one digital file e.g. (PDF), (TIF) etc. shall be submitted. In addition, one copy of the final plan, reduced to a size of 11 by 17 inches, and all accompanying information shall be mailed to the Code Enforcement Officer no less than ten business days prior to the meeting.

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.

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 servicing water district, 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 owner of record, applicant and 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 underground utilities, 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 registered land surveyor. The original reproducible plan shall be embossed with the seal of the registered land surveyor and be signed by that individual.

K. 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 March 2016.

L. 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 Environmental Protection, October 2016. 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.

M. 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.

N. 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.

O. 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.

P. 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 Section 11.11, the following shall be submitted or indicated on the plan at the Board's discretion.

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 October 2016 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.

5. A list of construction items with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.
6. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to: schools, including busing, 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.

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

7.3 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, M.R.S.A. §4404, and this ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the recorded plan shall be forwarded to the CODE ENFORCEMENT OFFICER and the tax assessor. Any subdivision not recorded in the Cumberland County 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.

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.

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 9 The Board shall make findings that the revised plan meets the criteria of Title 30-A, M.R.S.A. § 4404, and the standards of this Ordinance. 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 Cumberland County Registry of Deeds.

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

F. The Legislative body has the final approval of acceptance of a public way.

1. Upon completion of a new road construction and prior to a vote by the municipal officers to submit a proposed public way to the Legislative body, a written certification signed by a professional

engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of the Town.

2. 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 municipal officers.

G. 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 Cumberland County Registry of Deeds to that effect.

ARTICLE 8 - REVISIONS TO APPROVED PLANS

8.1 Procedure

An applicant for a revision to a previously approved plan shall, at least ten 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.

8.2 Submissions

The applicant shall submit an electronic copy of the approved plan as well as two 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 this Ordinance 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 Cumberland County Registry of Deeds.

8.3 Scope of Review

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

ARTICLE 9 – INSPECTIONS AND ENFORCEMENT

9.1 Inspection of Required Improvements

A. At least five days prior to commencing construction of required improvements, the sub-divider or builder shall notify the Code Enforcement Officer in writing of the time when (s) he proposes to commence construction of such improvements, so that the municipal officers 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 officials find upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the sub-divider, the inspecting official shall so report in writing to the Municipal Officers, Board and the sub-divider and builder. The Municipal Officers shall take any steps necessary to assure compliance with the approved plans.

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 sub-divider shall obtain permission from the Board to modify the plans.

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

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

F. Upon completion of new road construction and prior to a vote by the Municipal Officers to submit a proposed public way to the Legislative body, a written certification signed by a professional engineer shall be submitted

to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of the New Road Construction Ordinance.

1. 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 municipal officers.

G. The sub-divider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks where required until acceptance of the improvements by the municipality or control is placed with a lot owners' association.

9.2 Violations and Enforcement

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

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 Cumberland County 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 the 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 this Ordinance and recorded in the Cumberland County Registry of Deeds.

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

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, M.R.S.A.§4452.

ARTICLE 10 – 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, M.R.S.A.§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 11 shall be considered as evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 11 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.

10.1 Pollution

A. The proposed subdivision shall not discharge wastewater 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.

10.2 Sufficient Water

A. Water Supply

1. Any subdivision within the area designed by the Harrison Water District 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 served 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 size and location of mains, gate valves, hydrants, and service connections shall be viewed and approved in writing by the Harrison water district and the fire chief.

3. When a proposed subdivision is not within the area designed 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 wastewater 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 Installer 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 C.M.R. 231).

d. In areas where the Harrison Fire Chief has identified the need for additional water storage capacity for firefighting 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.

e. 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 construction or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

B. Water Quality

1. 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 note on the plan to be recorded in the Cumberland County Registry of Deeds.

10.3 Impact on Existing Water Supplies

A. In meeting the standards of Section 10.2.A, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the Harrison water 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.

10.4 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.

10.5 Traffic Conditions

A. All new roads should meet standards outlined in the current New Road Ordinance.

B. 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.

C. 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.

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. Where topographic and other site conditions allow, provisions shall be made for street connections to adjoining lots of similar existing or potential use within areas of the municipality designated as growth areas. When such access shall be provided 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.

10.6 Street Names, Signs and Lighting

Streets shall follow the Street Naming and Numbering Ordinance. 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.

10.7 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.

10.8 Sewage Disposal

A. Private Systems

1. 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.
2. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represents an area large enough to install a disposal area on soils which meet the Disposal Rules.
3. 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.
4. In no instance shall a disposal area be on a site, which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

10.8 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 causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be 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.

10.9 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 the trees to those areas designated on the plan.

2. The Board may require the application to include a landscape plan that will show the replacement of trees and vegetation, and graded contours.

3. When a proposed subdivision street traverses open fields, the plans shall include the planting of street trees beyond the road limits.

B. Retention of Open Space and Natural or Historic Features

1. If any portion of the subdivision is located within an area designated by the Comprehensive Plan as open space or greenbelt, that portion shall be reserved for open space preservation.
2. 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.
3. 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.
4. 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 recreation 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.

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

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

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;

2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;

3. 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 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.

10.10 Conformance with the Shoreland Zoning Ordinance, Floodplain Management Ordinance and any other adopted Land Use Ordinances

A. The proposed subdivision shall meet all applicable performance standards or design criteria from the Shoreland Zoning Ordinance or Floodplain Management Ordinance.

10.11 Financial and Technical Capacity

A. Financial Capacity

1. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this Ordinance. 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, as specified in Article 12. 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.

10.12 Impact on Water Quality or Shoreline

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

10.13 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 type.

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.

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.

10.14 Floodplain Management

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency. The Board shall, when reviewing other federal law, state or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

1. All such proposals are consistent with the need to minimize flood damage.

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

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

4. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

5. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within Special Flood Hazard Area, are to be constructed in accordance with the Floodplain Management Ordinance. Such requirement will 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 condition 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 any

map, plat, or plan to be signed by the Board or local reviewing authority as part of the approval process.

10.15 Identification of Freshwater Wetlands

Freshwater wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and 2012 Supplement, published by the United States Army Corps of Engineers.

10.16 Storm Water Management

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, March 2016. The stormwater management system shall be designed to meet the following standards:

A. 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.

B. Quality

1. Storm water run-off 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, March 2016 to achieve, by design, 15% reduction in total suspended solids.

2. 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. Wherever 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.

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

A. All open space common land, 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 its principal purpose the conservation or preservation of land in the Town of Harrison.

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 or open space shall be shown on the final plan with appropriate notations 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:

3. 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.
4. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
5. Draft by-laws of the proposed lot 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. The developer or sub-divider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Board upon request of the lot owners' association or the developer.

SECTION 11 – 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 10. 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.

11.1 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. 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 the 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 buildings when viewed from existing public streets.

3. When a proposed subdivision contains a ridgeline 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 street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty feet apart beyond the road limits.

B. Retention of Open Spaces and Natural or Historic Features

1. The subdivision shall reserve between 5% and 10% of the area of the subdivision as open space in order to provide for the recreation needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area. In determining the need for open space, the Board shall consider the needs identified in the Comprehensive Plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision and policies of the plan for meeting those needs; the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development.

2. Subdivisions with an average density of more than three dwelling units per acre shall provide no less than fifty percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. A site intended to be used for active recreation purposes, such as playground or a ball field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet.

3. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

4. Proposed subdivisions which included 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 the new structures in the subdivision shall be similar to the historic structures.

5. The Board may seek the advice of the Maine Historic Preservation Commission and Harrison Historical Society in reviewing such plans.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas

1. 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 Maine Department of Inland Fisheries and Wildlife or comments to the Board. The guidelines of this section shall apply to only those subdivisions, which include significant wildlife habitat or resources, identified in section 10.9.C.

D. Protection of Habitat of Endangered or Threatened Species

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

2. 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.

E. Protection of Deer Wintering Areas

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

F. Protection of Important Shoreland Areas

1. See the Shoreland Zoning Ordinance Section 15.P for all guidelines for development in the shoreland zone. Restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.
2. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife 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.

11.2 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, March 2016.

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 maximum 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.

11.3 Impact on Water Quality or Shoreline

A. See the Shoreland Zoning Ordinance Section 15.P for guidelines.

11.4 Lots

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

B. 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 this Ordinance and conditions placed on the original approval.

C. If a lot on one side of a stream, 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, or road to meet the minimum lot size.

D. 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 requirements are prohibited.

E. In accordance with the Street Naming & Numbering Ordinance, lots shall be numbered in such a manner as to facilitate the delivery of public safety and emergency services and mail delivery. 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.

11.5 Utilities

A. Utilities serving subdivision in areas designated by the Comprehensive Plan as growth areas shall be installed underground. 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 cost of the housing beyond the targets for affordable housing in the Comprehensive Plan.

11.6 Monuments

A. All lot corners, road right of way PC's (Points of Curvature) and PT's (Points of Tangency) will be marked with a suitable monument that is consistent with the current standards for monuments as adopted by the Maine Board of Licensure for Professional Land Surveyors and Identifies the responsible Professional Land Surveyor authorized by the developer to set the monuments.

B. Typical acceptable types of monuments are iron pipes, iron rods, stone, or concrete posts. Other types of markers may also be used if determined by the Planning Board to be at least as durable as those mentioned above.

C. **Iron Rods** shall have a minimum diameter of at least 5/8th inch and a minimum length of at least 36 inches.

D. **Iron Pipes** shall have a minimum inside diameter of at least ¾ inch and a minimum length of at least 36 inches.

E. **Stone Monuments** shall have a minimum size of 4 inches by 4 inches by 36 inches.

F. **Concrete Monuments** shall have a minimum size of 4 inches by 4 inches by 36 inches with a center rebar of at a minimum diameter of ½ inch and a minimum length of 34 inches.

G. The minimum length standards stated above are waived for all markers that are anchored to bedrock or other substantial surface or subsurface rock formations.

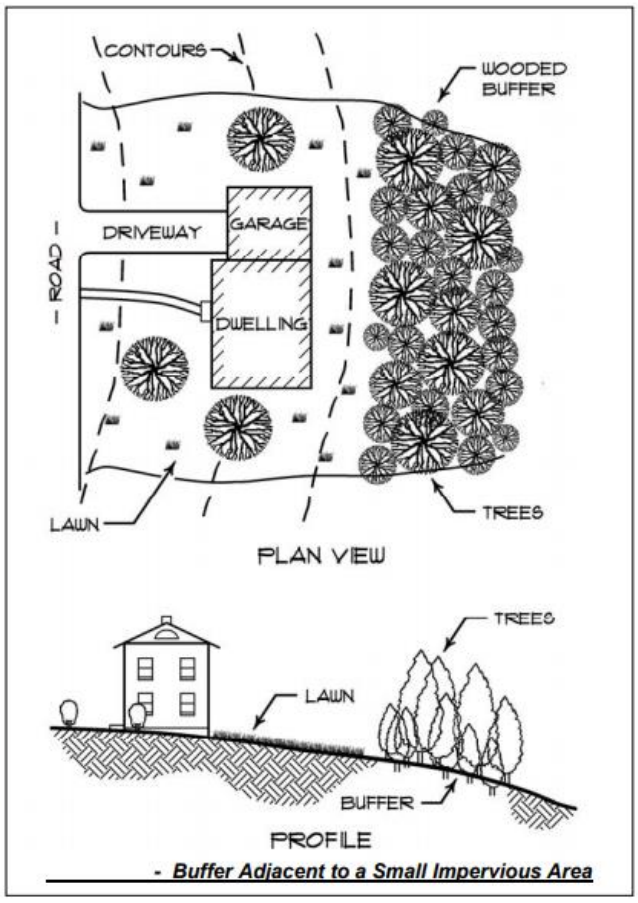
11.7 Phosphorus Export

A. When a proposed subdivision is within the direct watershed of a great pond and qualifies for the simplified review procedure, buffer strips shall be provided in accordance with the following table. Buffer strips shall be provided on the downhill side of all lots along all tributaries to great ponds and along the great pond. The minimum required width of buffer strips are designated in the Maine Stormwater Best Management Practices Manual, March 2016 and depend on the watershed in which the proposed subdivision is located, the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

Buffer Adjacent to Residential, Largely Pervious or Small Impervious Areas

This buffer type is used for small developments where runoff enters the buffer as sheet flow without the aid of a level spreader. It may only be used when it is located immediately downhill of the developed area and runoff enters as sheet flow. This design is not appropriate for treating large impervious areas because, even if pavement is graded evenly, it is likely that some concentration of runoff will occur as the stormwater travels across large areas of pavement. Only runoff from the following areas may be treated using this type of buffer:

- A developed area with less than 10% imperviousness where the flow path over the portion of the developed area for which treatment is being used does not exceed 150 feet; or
- An impervious area of less than one acre, where the flow path across the impervious area does not exceed 100 feet.



- Buffer Adjacent to a Small Impervious Area

1. For design and construction of buffers next to residential, largely pervious or small impervious areas:

Buffer Flow Path Length Downgradient of Residential, Largely Pervious or Small Impervious Areas (feet)				
	0-8% Slope		**9-15% Slope**	
Hydrologic Soil Group	Forested Buffer	Meadow Buffer	Forested Buffer	Meadow Buffer
A	45	75	54	90
B	60	85	72	102
C Loamy Sand or Sandy Loam	75	100	90	120
C Silty Loam, Clay Loam or Silty Clay Loam	100	150	120	180
D Non-Wetland	150	N/A	180	N/A

2. Buffer Type descriptions:

- *Forest Buffer*: A forest buffer must have a well distributed stand of trees with essentially complete canopy cover, and must be maintained as such. A forested buffer must also have an undisturbed layer of duff covering the mineral soil. Activities that may result in disturbance of the duff layer are prohibited in a buffer.
- *Meadow Buffer*: A meadow buffer must have a dense cover of grasses, or a combination of grasses and shrubs or trees. A buffer must be maintained as a meadow with a generally tall stand of grass, not as a lawn. It must not be mown more than twice per calendar year. If a buffer is not located on natural soils, but is constructed on fill or reshaped slopes, a buffer surface must either be isolated from stormwater discharge until a dense sod is established, or must be protected by a three inch layer of erosion control mix or other wood waste material approved by the DEP before stormwater is directed to it. Vegetation must be established using an appropriate seed mix.

B. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified reviewed, the phosphorus control measures shall meet the design criteria in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised March 2016 Maine Stormwater Best Management Practices Manual, March 2016.

C. Buffer strip widths in Watershed of Hypothetical pond.

Phosphorus Standard: 0.07 - 0.08 lbs./ acre
Buffer Width (ft.) per lot < 1 acre

H.S.G.	Restricted	Clearing to 12,500 sq. ft.
A	85	75
B	150	130
C	N/A	N/A
D	N/A	N/A
	1 To 1.99 acres	
A	25	25
B	55	25
C	190	55
D	N/A	200
	2 To 2.99 acres	
A	25	25
B	25	25
C	50	25
D	200	25

H.G.S. is the Hydrologic Soil Group. All lots 3 acres and larger shall provide a minimum 25-foot buffer.

SECTION 12 – PERFORMANCE GUARANTEES

12.1 Types of Guarantees

A. The applicant shall provide one of the following performance guarantees for an amount adequate to cover 110% of the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs. A performance guarantee shall not expire between October 31 and April 15 of the following year.

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

12.2 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.

12.3 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.

12.4 Letter of Credit

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

12.5 Phasing of Development

The Board may approve plans to develop a 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. 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.

12.6 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 municipal engineer or other qualified individual attained 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.

A. Performance guarantees may be reduced periodically, but in no event more than one (1) time per month. In no case shall the performance guarantee be reduced by less than ten thousand dollars ($10,000.00) at one time; or in any line item where improvements remain to be completed. No performance guarantee shall be reduced to less than ten (10) percent of the performance guarantee. The remainder of the guarantee will be released upon completion of the improvements.

B. The Town of Harrison shall retain 10% of the performance guarantee for a period of one (1) year from the date of final paving for any streets to be offered to the Board of Selectmen for acceptance. This guarantee shall ensure the workmanship and the durability of all materials used in the construction of the roadways, curbing, esplanades, sidewalks, sanitary sewage systems, storm drainage systems, street lighting, tree planting, and other public improvements located within the right-of-way which may become defective within the one (1) year period, all as determined by the Road Commissioner or town engineer in accordance with the New Road Construction Ordinance.

12.7 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 shall report in writing to the code enforcement officer, the Municipal Officers, the Planning Board, and the applicant or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

12.8 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.

SECTION 13 – WAIVERS

SECTION USER'S GUIDE: This section authorizes the Planning Board, under special circumstances, to waive portions of the submission requirements, performance standards and improvements required by this Ordinance and provides that such waiver be granted only with conditions.

13.1 Waiver of Submission Requirements

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

13.2 Waiver of Performance Standards

Where the Planning Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided or developed, it may waive portions of the performance standards, unless otherwise indicated in this Ordinance, to permit a more practical and economic development, provided the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or any Ordinance.

13.3 Waivers of Required Improvements

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

13.4 Waivers Conditionally Granted

In granting waivers to any of the provisions of this Ordinance in accordance with subsections 13.1 – 13.3 above, the Board shall require such conditions as will assure the purposes and objectives of this Ordinance are met.

13.5 Waivers to Be Shown on Final Plan

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

SECTION 14 – APPEALS

14.1 Appeals to Superior Court

An aggrieved party may appeal any decision of the Board under this Ordinance to Cumberland County Superior Court, within thirty days of the date the Board issues a written order of its decision.