TOWN OF BELGRADE

Subdivision Ordinance

Enacted by Referendum on March 19, 2022

(This new ordinance repeals and replaces the 2001 Subdivision Ordinance.)

Certified by: *Mary J. Vogel,* Town Clerk

Town Seal:

SUBDIVISION ORDINANCE

OF THE TOWN OF BELGRADE, MAINE

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ARTICLE I: PURPOSES AND REVIEW CRITERIA

1. Purposes.

The purposes of this ordinance are:

a. To assure the comfort, convenience, safety, health, and welfare of the people in the Town of Belgrade

b. To protect the environment and conserve the natural and cultural resources identified in the Town of Belgrade Comprehensive Plan;

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

d. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in the subdivisions can support the proposed uses and structures.

2. Statutory Review Criteria.

In approving Subdivisions within the Town of Belgrade, Maine, the Planning Board shall consider the following criteria and before granting approval, shall make findings of fact that the provisions of this ordinance have been met and that the proposed subdivision will meet the guidelines of Title 30-A, M.R.S.A. § 4404. The proposed project:

a. **Pollution.** Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:

   1. The elevation of the land above sea level and its relation to the floodplains;
   2. The nature of soils and sub soils and their ability to adequately support waste disposal;
   3. The slope of the land and its effect on effluents;
   4. The availability of streams for disposal of effluents; and
   5. The applicable State and local health and water resources rules and regulations;

b. **Sufficient Water.** Has sufficient water available for the reasonably foreseeable needs of the Subdivision;

c. **Municipal Water Supply.** Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

d. **Erosion.** Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition results;

e. **Traffic.** Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or

proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704, and any rules adopted under that section;

f. **Sewage disposal.** Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

g. **Municipal solid waste disposal.** Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized;

h. **Aesthetic, cultural and natural values.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

i. **Conformity with local ordinances and plans.** Is in conformance with a duly adopted subdivision ordinance, comprehensive plan, development plan, or land use plan if any. In making this determination, the Planning Board may interpret these ordinances and plans;

j. **Financial and technical capacity.** Has adequate financial and technical capacity to meet the standards of this section;

k. **Surface waters; outstanding river segments.** Will not, whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, sections 435 through 490, adversely or unreasonably affect the shoreline of such body of water; and

l. **Ground water.** Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

m. **Flood areas.** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the

basement, at least one foot above the 100-year flood elevation.

n. **Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

o. **Farmland.** All farmland within the proposed subdivision has ben identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

p. **River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application.

q. **Storm water.**The proposed subdivision will provide for adequate storm water management.

r. **Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

s. **Lake phosphorus concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

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

u. **Lands subject to liquidation harvesting.** Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning 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. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination

certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

ARTICLE II: Authority, Administration, and Amendments

1. Authority.

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

b. This ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Belgrade, Maine".

2. Administration.

a. The Planning Board of the Town of Belgrade, hereinafter called the Board, shall administer this ordinance.

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

3. Amendments.

a. This ordinance may only be amended by a majority vote of the legislative body present at any regular or special town meeting.

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

ARTICLE III DEFINITIONS

1. State Definitions.

As used in this ordinance, unless the context otherwise indicates, the terms and respective definitions listed in 30-A M.S.R.A. § 4401 shall have the same meaning.

2. Additional Definitions.

As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings:

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, or as depicted in the drainage divide data layer provided by the Maine Office of GIS. Due to the scale of the map, there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to the exact location of a watershed boundary, the Planning Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

Impervious Surfaces. "Impervious Surfaces" means the total area of a parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete and underdrained artificial turf fields are all considered impervious.

River, Stream, or Brook. "River, Stream, or brook" as used in this ordinance, shall have the same meaning as38 M.R.S. § 436-A.

Substantial Construction. "Substantial Construction" means that a continuous on-site physical construction program has progressed to a point where 25% or more of the total project is completed or where 25% or more of the total cost of the project has been expended for materials which are at the site.

ARTICLE IV: 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 Planning Board shall prepare an agenda for each regularly scheduled meeting, Applicants shall request to be placed on the Planning Board's agenda no less than two weeks in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer. Applicants who attend a meeting but who are not on the Planning Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Planning Board so votes. However, the Board shall take no action on any application not appearing on the Planning Board's written agenda.

ARTICLE V: SKETCH PLAN MEETING AND ON-SITE INSPECTION

1. Purpose.

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

2. Sketch Plan Meeting Procedure.

a. Application presentation and submission of sketch plans.

b. Questions and answer period. Planning Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.

c. Scheduling of on-site inspection.

d. Designation of Minor or Major Subdivision

3. Minor Subdivisions and Major Subdivisions.

The Planning Board will designate each subdivision at the Sketch Plan Meeting as either a minor or major subdivision.

Minor Subdivisions will be limited to:

1. Residential or non-commercial subdivisions only.
2. No more than three additional lots or dwelling units (leading to a total of 4 lots).
3. No new roads.
4. Total area of subdivided lots no larger than seven (7) acres, excluding the acreage remaining from the original parcel from which the subdivision is being created.

If the proposed subdivision does not meet the above requirements, it will be considered a Major Subdivision.

4. Submission.

The preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions of the site and the proposed development.

5. On-Site Inspection.

Within thirty (30) days of application filing with the Town, the Board shall hold an on-site inspection of the property. The thirty (30) days may be adjusted to account for snow cover and

other weather conditions.

6. Rights not Vested.

The sketch plan meeting, the submittal, 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 I M.R.S.A. §302.

7. Establishment of File.

Following the sketch plan meeting the Planning Board shall establish a file for the proposed subdivision. All correspondence and submissions shall be maintained in the file.

ARTICLE VI: MINOR SUBDIVISION PRELIMINARY PLAN

1. Procedure.

a. Within six months after the on-site inspection by the Planning Board, the applicant shall submit an application for approval of a Minor Subdivision Preliminary Plan at least 14 days prior to a scheduled meeting of the Planning Board. Applications shall be submitted by mail or by hand to the municipal offices. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Planning Board. The Minor Subdivision Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Planning Board.

b. All applications for Minor Subdivision Preliminary Plan shall be accompanied by a nonrefundable application fee of $300, plus $50 per lot or dwelling unit, payable by check to the municipality.

c. The Board shall not review any Minor Subdivision Preliminary Plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.

d. Within three days of the receipt of the Minor Subdivision Preliminary Plan, the Board, or its designee, shall:

    1. Issue a dated receipt to the applicant.

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

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

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

f. Upon determination that a complete Minor Subdivision Preliminary Plan has been submitted for review, the Board shall also notify the Road Commissioner, Fire Chief and Superintendent of Schools of the proposed subdivision. 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 determine whether to hold a public hearing on the Minor Subdivision Preliminary Plan application.

g. If the Board decides to hold a public hearing, on an application for a Minor Subdivision Preliminary Plan application, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and municipalities as well as the applicant at least ten days prior the hearing.

h. The Planning Board may schedule additional on-site visits as it deems necessary in order to evaluate the Preliminary Subdivision Plan application and information presented to the Planning Board during a public hearing.

i. Within thirty (30) days from the public hearing or within sixty (60) 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 Planning Board and the applicant, the Planning Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Minor Subdivision Preliminary Plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.

j. When granting approval to a Minor Subdivision Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:

    1. The specific changes which it will require in the Minor Subdivision Final Plan;

    2. The character and extent of terms and conditions required which the Planning Board deems critical to support the public health, safety, and general welfare; and

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

2. Mandatory Submissions for Minor Subdivision Preliminary Plan.

The following items shall be submitted as part of the Minor Subdivision Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission required by the Planning Board, pursuant to Art. VXII. Twelve (12) physical copies and one (1) electronic copy of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Planning Board's agenda. The Planning Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., § 4404 are met.

a. **Application Form.**

Twelve (12) copies of the application form and any accompanying information.

b. **Location Map.**

The Minor Subdivision Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed Minor Subdivision to the adjacent properties, and to allow the Board to locate the Minor 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 streets;
3. Boundaries and designations of zoning districts; and
4. An outline of the proposed Minor Subdivision and any remaining portion of the owner's property if the Preliminary Subdivision Plan submitted covers only a portion of the owner's entire contiguous holding.

c. **Minor Subdivision Preliminary Plan.**

The Minor Subdivision Preliminary Plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary subdivision plan shall be drawn to a scale of not more than one hundred (100) 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 (200) feet to the inch, provided all necessary detail can easily be read. In addition, one copy of the accompanying information shall be mailed to each Planning Board member no less than seven days prior to the meeting. The application materials for preliminary plan approval shall include the following information:

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 by deed, purchase and sales agreement, option to purchase, or some other proof of interest;

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five years, as required by Title 30-A M.S.R.A., § 4401;

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

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

6. Ten (10) foot interval contour lines showing elevations in relation to Mean Sea Level.

7. The number of acres within the proposed Subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.

8. An indication of the type of sewage disposal to be used in the Subdivision;

    i. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted.

    ii. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analysis, 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.

9. Indication of the type of water supply system(s)

to be used in the Subdivision.

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

11. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners;

12. The zoning district, if any, in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision;

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

14. The locations, names, and present widths of existing streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the Subdivision;

15. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the Subdivision.

16. The proposed lot lines with approximate dimensions and lot areas; and

17. The location and width of driveways with direct access to a public road.

d. **Additional Submissions for Minor Subdivision Preliminary Plan that may be required.**

The following items shall be submitted as part of the Minor Subdivision Preliminary Plan if requested by the Board. Twelve (12) physical copies and one (1) electronic copy of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met:

1. A phosphorous control plan shall be submitted which will limit phosphorous runoff after development in accordance with the phosphorous control standards in Article XVI.

2. 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:

i. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine geological Survey, 1998, File No. 98-138, 144, and 147; or

ii. The Subdivision has an average density of more than one dwelling unit per 100,000 square feet; or

iii. There is reasonable presumption of no potable water sources on the property as a result of contaminations including petroleum, hazardous substances, salt, or any other potential contaminant. To determine if a reasonable presumption of a lack of potable drinking water, the presence of potential sources of future drinking water contamination associated with human activities, the following mapping of possible ground water contamination sources shall be submitted covering the subdivision property and abutting properties: the Maine Department of Environmental Protection's Environmental Geographic Analysis Database (EGAD), Google Earth satellite imagery, and Maine Department of Transportation mapping of salt contaminated wells in or near the area of Belgrade bounded by Route 27, Cemetery Road, and Routes 8 and 11.

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater 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 unit per 80,000 square feet; and proposed use of shared or common subsurface wastewater disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of Article XIII.9 below.

3. A soil erosion and sedimentation control plan;

4. A plan for the disposal of surface drainage waters, prepared by a Maine Registered Professional Engineer;

5. A copy of that portion of the county soil survey covering the Subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Planning Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses;

6. If any portion of the Subdivision is in a flood prone area, the boundaries of any flood hazard areas and the one hundred (100) year flood elevation shall be delineated on the plan;

7. Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project 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 or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Project the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation; and

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

e. The Planning Board may require any additional information not listed above, when it is determined necessary by the Board to determine whether the statutory review criteria of Title 30-A M.R.S.A. § 4404 have been met.

ARTICLE VII: MINOR SUBDIVISION FINAL PLAN

1. Procedure.

a. Within six months after the approval of the Minor Subdivision Preliminary Plan, the applicant shall submit twelve (12) physical copies and one (1) electronic copy of an application for approval of the Minor Subdivision Final Plan Application with all supporting materials, at least 14 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. An electronic copy shall be submitted to the Board's designated staff person in the Town office. If the application for the Minor Subdivision Final Plan Application is not submitted within six months after Minor Subdivision Preliminary Plan approval, the Board shall require resubmission of the Minor Subdivision Preliminary Plan, except as stipulated below. The Minor Subdivision Final Plan Application shall approximate the layout shown on the Minor Subdivision Preliminary Plan, plus any changes required by the Board.

   If an applicant cannot submit the Minor Subdivision Final Plan application 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 expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the Minor Subdivision Final Plan application and is pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

b. All applications for Minor Subdivision Final Plan application shall be accompanied by an application fee of $20.00 per lot or dwelling unit payable by check to the municipality. If a public hearing is deemed necessary by the Planning Board, an additional fee shall be required to cover the costs of advertising and postal notification.

c. Prior to submittal of the Minor Subdivision Final Plan application, the following approvals shall be obtained in writing, where applicable:

   1. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES 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 wastewater disposal system(s) is to be utilized;

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

5. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit

If the Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

d. If the Minor Subdivision Preliminary Plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with Article 6.2.C.23, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.

e. The Board shall not review any Minor Subdivision Final Plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.

f. Within three days of the receipt of the Minor Subdivision Final Plan application the Board, or its designee, shall issue a dated receipt to the applicant.

g. Within thirty days of receipt of a Minor Subdivision Final Plan application, the Board shall notify the applicant in writing either that the application is complete, or, if the application is incomplete, the specific additional submissions needed for a complete application. The Planning Board may hold a public hearing on the Minor Subdivision Final Plan application if the Board decides it will benefit its decision-making process.

h. If the Board decides to hold a public hearing, it must hold the hearing within 30 days after determining that it has received a complete application. The Planning Board shall publish a notice of the date, time, and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at

least seven days prior to 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. A copy of the notice shall be sent by First Class mail to abutting landowners, abutting municipalities (if necessary), and to the applicant, at least ten days prior to the hearing.

i. The Planning Board shall notify the Road Commissioner, School Superintendent, and Fire Chief of the proposed Subdivision, the number of dwelling units proposed and the size and construction characteristics of any multi-family, commercial, or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed Minor Subdivision.

j. Before the Board grants approval of the Minor Subdivision Final Plan application, the applicant shall meet the performance guarantee requirements contained in Article XV PERFORMANCE GUARANTEES.

k. Within thirty 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 these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the Minor Subdivision Final Plan application. 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.

2. Mandatory Submissions.

The Minor Subdivision Final Plan application shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. One reproducible, stable-based transparency of the recording plan to be recorded at the

Registry of Deeds, and Twelve (12) physical copies and one (1) electronic copy of all the final plan sheets and any supporting documents shall be submitted to the Town Office.

The Final Subdivision Plan shall include or be accompanied by the following mandatory submissions of information:

a. Completed Minor Subdivision Final Plan Application Form and Submissions Checklist;

b. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers;

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

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

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

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

    1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design.

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

    3. When water is to be supplied by private wells and there is reasonable presumption of no potable water, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

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

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

i. If different than those submitted with the Minor Subdivision Preliminary Plan Application, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision;

j. The location of any zoning boundaries affecting the subdivision;

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

l. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual;

m. The location and width of driveways accessing a public road;

n. 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; and

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

p. If applicable, 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 and also:

    1. Draft articles of incorporation of proposed lot owners' association as a not-for-profit corporation; and

    2. 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.

3. Required Submissions for Minor Subdivisions in the Shoreland Zone

a. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control, Best Management Practices: Manual for Designers and Engineers, published by the Maine Department of Environmental Protection, October 2016. The Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

b. A stormwater management plan, prepared by a Maine registered professional engineer in accordance with the most recent edition of Maine Stormwater Management Design Manual, Volumes I and III published by the Maine Department of Environmental Protection, 2016. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

c. If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of Article XIII.12.d, the following shall be submitted or indicated on the plan:

    1. A phosphorus impact analysis and control plan conducted using the procedures set forth in DEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 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; and

    4. Areas with sustained slopes greater than 25% covering

more than one acre shall be delineated.

ARTICLE VIII: MAJOR SUBDIVISION PRELIMINARY PLAN

1. Procedure.

a. Within six months after the on-site inspection by the Planning Board, the applicant shall submit an application for approval of a Major Subdivision Preliminary Plan Application at least 14 days prior to a scheduled meeting of the Planning Board. Applications shall be submitted by mail or by hand to the municipal offices. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Planning Board. The Major Subdivision Preliminary Plan Application shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Planning Board.

b. All applications for Major Subdivision Preliminary Plan Application shall be accompanied by a nonrefundable application fee of $300, plus $50 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay an escrow fee of $250 per lot or dwelling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Zoning Ordinance and Subdivision Regulations. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the final plan application by the Board shall be returned to the applicant.

c. The Board shall not review any Major Subdivision Preliminary Plan Application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.

d. Within three days of the receipt of the Major Subdivision Preliminary Plan Application, the Board, or its designee, shall:

1. Issue a dated receipt to the applicant.

2. Notify in writing by First Class Mail all owners of property within 500 feet of the proposed subdivision that an application for subdivision

approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.

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

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

f. Upon determination that a complete application has been submitted for review, the Board shall notify the Road Commissioner, Fire Chief and Superintendent of Schools of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multifamily, 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 determine whether to hold a public hearing on the preliminary plan application.

g. The Planning board may hold a public hearing on the Major Subdivision Preliminary Plan Application within thirty (30) days of receipt of a complete application if the Board decides it will benefit its decision-making process, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and municipalities as well as the applicant at least ten days prior the hearing.

h. The Planning Board may schedule additional on-site visits as it deems necessary in order to evaluate the Major Subdivision Preliminary Plan Application and information presented to the Planning Board during a public hearing.

i. Within thirty (30) 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 Planning Board and the applicant, the Planning Board shall make findings of fact on the application, and approve, approve with conditions, or

deny the Major Subdivision Preliminary Plan Application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.

j. When granting approval to a Major Subdivision Preliminary Plan, the Planning 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 which waivers from the criteria and standards in this Ordinance may have been requested and which in the Planning Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and

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

2. Mandatory Submissions for Major Subdivision Preliminary Plan.

The following items shall be submitted as part of the Major Subdivision Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission required by the Planning Board, pursuant to Article 17. Twelve (12) physical copies and one (1) electronic copy of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Planning Board's agenda. The Planning Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A. § 4404 are met.

a. Application Form.

Twelve (12) physical copies and one (1) electronic copy of the application form and any accompanying information.

b. Location Map.

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

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; and

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

3. Major Subdivision Preliminary Plan.

The Major Subdivision Preliminary Plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary subdivision plan shall be drawn to a scale of not more than one-hundred (100) 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 (200) feet to the inch, provided all necessary detail can easily be read. In addition, one copy of the accompanying information shall be mailed to each Planning Board member no less than seven days prior to the meeting. The application materials for preliminary plan approval shall include 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. Verification of right, title, or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest;

c. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five years, as required by Title 30-A M.S.R.A., § 4401;

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

e. A copy of any covenants or deed restrictions intended to cover all or part of the lots or dwellings in the Subdivision;

f. Ten (10) foot interval contour lines showing elevations in relation to Mean Sea Level;

g. The number of acres within the proposed Subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features;

h. An indication of the type of sewage disposal to be used in the Subdivision;

1. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted.

2. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analysis, 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.

i. Indication of the type of water supply system(s) to be used in the Subdivision. When water is to be supplied by an existing public water supply, a written statement from the servicing water utility shall be submitted indicating the utility has reviewed and approved the water system design;

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

k. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners;

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

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

n. The locations, names, and present widths of existing streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the Subdivision;

o. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the Subdivision;

p. The proposed lot lines with approximate dimensions and lot areas;

q. All parcels of land proposed to be dedicated to

public use and the conditions of such dedication;

r. The location of any open space to be preserved or common area to be created, and a general description of proposed ownership, improvement, and management;

s. A soil erosion and sedimentation control plan;

t. A plan for the disposal of surface drainage waters, prepared by a Maine Registered Professional Engineer;

u. A copy of that portion of the county soil survey covering the Subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Planning Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses;

v. If any portion of the Subdivision is in a flood prone area, the boundaries of any flood hazard areas and the one hundred (100) year flood elevation shall be delineated on the plan;

w. Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program, or the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat mapping, or within the comprehensive plan; the applicant shall request each agency to review their preliminary plan and submit written review comments to the Planning Board with any recommended resource mitigation measures. 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 or significant wildlife habitat by the Maine Department of Inland Fisheries & Wildlife Beginning With Habitat mapping the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation; and

x. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places or have been identified in the comprehensive plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites. Written documentation from the Maine Historic Preservation Commission of their subdivision review findings.

y. A phosphorous control plan shall be submitted which will limit phosphorous runoff after development in accordance with the phosphorous control standards in Article XVI.

4. Additional Submissions for Major Subdivision Preliminary Plan that may be required.

The following items shall be submitted as part of the Major Subdivision Preliminary Plan, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article XVII, Waivers. Twelve (12) physical copies and one (1) electronic copy of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met:

a. A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Maine Stormwater Management Design Manual, Volumes I and III, published by the Maine Department of Environmental Protection, 2016. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision;

b. A high-intensity soil survey by a registered soil scientist;

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

d. A hydrogeologic assessment prepared by a Maine certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and water and:

1. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine geological Survey, 1998, File No. 98-138, 144, and 147; or

2. The Subdivision has an average density of more than one dwelling unit per 100,000 square feet; or

3. There is reasonable presumption of no potable water sources on the property as a result of contaminations including petroleum, hazardous substances, salt, or any other potential contaminant. To determine if a reasonable

presumption of a lack of potable drinking water, the presence of potential sources of future drinking water contamination associated with human activities, the following mapping of possible ground water contamination sources shall be submitted covering the subdivision property and abutting properties: the Maine Department of Environmental Protection's Environmental Geographic Analysis Database (EGAD), Google Earth satellite imagery, and Maine Department of Transportation mapping of salt contaminated wells in or near the area of Belgrade bounded by Route 27, Cemetery Road, and Routes 8 and 11.

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater 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 unit per 80,000 square feet; and proposed use of shared or common subsurface wastewater disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of Article VIII.9 below.

e. 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 most recent available edition of the Trip Generation Manual published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

f. Traffic Impact Analysis.

For subdivisions involving 28 or more parking spaces or projected to generate more than 140 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

The Planning Board may require any additional information not listed

above when it is determined necessary by the Board to determine whether the statutory review criteria of Title 30-A M.R.S.A. § 4404 have been met.

ARTICLE IX: MAJOR SUBDIVISION FINAL PLAN

1. Procedure.

a. Within six months after the approval of the Major Subdivision Preliminary Plan, the applicant shall submit Twelve (12) physical copies and one (1) electronic copy for approval of the Major Subdivision Final Plan with all supporting materials, at least 14 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. 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. Major Subdivision Final Plan shall approximate the layout shown on the Major Subdivision Preliminary Plan, plus any changes required by the Board.

If an applicant cannot submit the Major Subdivision 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 expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and is pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

b. All applications for Major Subdivision Final Plan shall be accompanied by an application fee of $20.00 per lot or dwelling unit payable by check to the municipality. If a public hearing is deemed necessary by the Planning Board, an additional fee shall be required to cover the costs of advertising and postal notification.

c. Prior to submittal of the Major Subdivision 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;
2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed;
3. Maine Department of Human Services, if the applicant proposes to provide a public water system;

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

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

6. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit

If the Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

d. If the Major Subdivision Preliminary Plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with ArticleVIII6.b.3, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.

e. Written approval of any proposed street names from the Town of Belgrade E911 Addressing Officer.

f. The Board shall not review any final plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.

g. Within three days of the receipt of the Final Plan application, the Board, or its designee, shall issue a dated receipt to the applicant.

h. Upon determination that a complete application has been submitted for review, the Planning Board shall issue a dated receipt to the applicant. The Planning Board may hold a public hearing on the Final Subdivision Plan application if the Board decides it will benefit its decision-making process.

i. Within thirty days of determining that the Planning Board has received a complete application, the Planning Board shall publish a notice of the date, time, and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days prior to 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. A copy of the notice shall be sent by First Class mail to abutting landowners and to

the applicant, at least ten days prior to the hearing.

j. The Planning Board shall notify the Road Commissioner, School Superintendent, 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 Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed Subdivision.

k. Before the Board grants approval of the Major Subdivision Final Plan, the applicant shall meet the performance guarantee requirements contained in Article XV PERFORMANCE GUARANTEES.

l. Within thirty 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 these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the Major Subdivision 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.

2. Mandatory Submissions.

The Major Subdivision Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. One reproducible, stable-based transparency of the recording plan to be recorded at the Registry of Deeds, and Twelve (12) physical copies and one (1) electronic copy of all the final plan sheets and any supporting documents shall be submitted.

The Final Subdivision Plan shall include or be accompanied by the

following mandatory submissions of information:

a. Completed Final Plan Application Form and Final Plan Application Submissions Checklist;

b. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers;

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

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

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

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

1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design.

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

3. When water is to be supplied by private wells, evidence of adequate ground water supply shall be submitted by a well driller or a hydrogeologist familiar with the area.

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

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

i. 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;

j. The location of any zoning boundaries affecting the subdivision;

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

l. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual;

m. Street plans, meeting the requirements of Article XVIII.15;

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 managed and maintained shall be submitted. These may include homeowners' association by laws and condominium declarations. 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; and

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

q. 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 or a local land trust.

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

1. Draft articles of incorporation of proposed lot owners' association as a not-for-profit corporation; and

2. 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.

3. Required Submissions for which a Waiver May be Granted.

a. The name and certification number of the Maine Department of Environmental Protection certified contractor to oversee all soil disturbance.

b. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Best Management Practices: Manual for Designers and Engineers, published by the Maine Department of Environmental Protection, October 2016. The Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roads, roofs, walkways, and driveways is less than 5% of the area of the subdivision.

c. A stormwater management plan, prepared by a Maine registered professional engineer in accordance with the most recent edition of Maine Stormwater Management Design Manual, Vols. I and III, published by the Maine Department of Environmental Protection, 2016. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roads, roofs, walkways, and driveways is less than 5% of the area of the subdivision.

d. If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of Article XIII.12.D, the following shall be submitted or indicated on the plan:

1. A phosphorus impact analysis and control plan conducted using the procedures set forth in Maine DEP Phosphorus Control in Lake Watersheds, Volume II of the Maine Stormwater Management Design Manual, 2016. The analysis and control plan shall be based on the per acre phosphorous allocations in Appendix C of the Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II, March 2016. When a subdivision is in the direct watershed of more than one great pond, the lowest phosphorous allocation shall be used. 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 inspection and 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; and

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

5. The Board may waive submission of the above phosphorous analysis and control requirements only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roads, roofs, walkways, and driveways is less than 5% of the area of the subdivision.

ARTICLE X: FINAL APPROVAL AND FILING FOR MINOR AND MAJOR SUBDIVISIONS

1. No Minor or Major Subdivision Final 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.

2. All subdivisions shall be approved with the following standard conditions of approval. These conditions and any special conditions of approval shall be listed on the Final plan.

    a. The Board approval of this subdivision is limited to that described in the application and depicted in the final plan and other application submissions. Except to the extent that the Board has expressly indicated in the finding of facts and conclusions of law that certain depictions may be revised by the applicant without further review and approval by the Board, any changes to the application, final plan, or other supporting application submissions must receive prior approval from the Board, including but not limited to, changes in the location of structures, roads, parking, vehicle road entrance and exit, drinking water wells, waste water disposal, storm water management, and phosphorous analysis and control plans.

    b. Unless a waiver from a specific ordinance standard has been requested by the applicant in writing and approved by the Board, the subdivision is required to meet all applicable ordinance requirements.

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

4. At the time the Board grants Minor or Major Subdivision Final Plan approval, it may permit the Plan to be divided into two or more phases 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 phases subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

5. No changes, erasures, modifications, or revisions shall be made in any Minor or Major Subdivision Final Plan after approval has been given by the Board and endorsed in writing on the plan, unless a revised final plan is first submitted and the Board approves any modifications, in accordance with Article XI. 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 these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

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

7. Failure to commence substantial construction of the Subdivision within two years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a Subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

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

ARTICLE XI: REVISIONS TO APPROVED PLANS

1. Procedure.

An applicant for a revision to a previously approved plan shall, at least 7 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.

2. Submissions.

The applicant shall submit a copy of the approved plan as well as one digital and 12 paper copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

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 XII: INSPECTIONS AND ENFORCEMENT

1. Inspection and Required Improvements.

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

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

2. Deposit with the town clerk a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the applicant or builder as appropriate. If the inspection account shall be drawn down by 90%, the applicant or builder shall deposit an additional 1% of the estimated costs of the required improvements.

b. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the inspecting official shall so report in writing to the municipal officers, Board, and the subdivider and builder. The code enforcement officer 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 right of ways, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Board to modify the plans in accordance with Article XI.

d. At the close of each summer construction season the Town shall, at the expense of the subdivider, 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 subdivider shall provide the Board with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.

f. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, 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 these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.

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

2. Violations and Enforcement.

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

b. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

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

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

e. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or

construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in these regulations and recorded in the Registry of Deeds.

f. No building permit for a lot shall be issued until the street is completed. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

g. A person who conveys any land in a Subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than $100.00, and not more than $2,500.00 for each conveyance pursuant to 30-A M.R.S.A. § 4452. The municipal officers may institute legal proceedings to enjoin the violation of this Article and may collect attorney's fees and court costs if it is the prevailing party.

ARTICLE XIII: PERFORMANCE AND DESIGN STANDARDS

1. Basic Subdivision Layout.

a. Blocks.

Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards for sidewalks in Article XIII.16.b.2.xiii. Maintenance obligations of the easement shall be included in the written description of the easement.

b. Lots.

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

2. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulations and conditions placed on the original approval.

3. If a lot on one side of a stream, or road 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.

4. The ratio of lot length to width, outside of the shoreland zone, shall not be more than three to one. Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.

5. In areas served by a postal carrier, lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed subdivision

contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Board.

c. Utilities.

Utilities serving subdivisions 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 costs of the housing beyond the targets for affordable housing in the comprehensive plan.

d. Monuments.

1. Survey monuments shall be located and constructed in accordance with the requirements of the Maine Board of Licensure for Professional Land Surveyors regulations, Chapter 90: Standards of Practice.

2. Monuments shall be installed prior to offering any lots for sale or lease.

2. Sufficient Water.

a. Water Supply.

1. Any subdivision within the area designated in the comprehensive plan for future public water supply service shall make provisions for connection to the public system. A proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's or company's system as necessary in order to facilitate connection. 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 reviewed and approved in writing by the servicing water company or district and the fire chief. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.

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

    i. 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.

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

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

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

    iii. 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).

b. Water Quality.

1. Water supplies shall meet the drinking water standards contained in the Maine Center for Disease Control and Prevention's Maximum Exposure Guidelines for Drinking Water, and in the case of salt, the Maine Department of Transportation action level of 200 mg/L. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

2. There may be no significant risk of contamination above the Maine Center for Disease Control and Prevention's Maximum Exposure Guidelines (MEGs) for Drinking Water to ground water to serve as the proposed subdivision drinking water supply from historical or current likely ground water contamination sources of oil, solid waste, salt and hazardous substances or wastes caused by human activities. Whether a significant risk of contamination to the proposed subdivision drinking water source exists shall be assessed as follows. Existing mapping and surrounding land uses will be reviewed to identify potential ground water contamination sources on the subdivision property or on abutting lots using the Maine Department of Environmental Protection's Environmental Geographic Analysis Database (EGAD; Maine Department of Transportation mapping of existing salt contaminated wells in the area of Town generally bounded by and abutting Routes 27, Cemetery Road and Routes 8 and 11; and Google Earth satellite imagery to locate vehicle junkyards, salvage or recycling facilities, the presence of commercial autobody shops, and commercial vehicle or boat repair facilities. If any of the above are present on the subdivision property or abutting lots, a hydrogeological assessment, and if required by the Planning Board, a hydrogeological investigation by a Maine Certified Geologist to demonstrate that water supply wells to serve the proposed subdivision will likely meet the Maine MEGs and will not pose a significant risk of future contamination from identified potential groundwater pollution

sources.

3. Erosion and Sedimentation and Impact on Water Bodies.

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

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

c. Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation. Within the Shoreland Zone, the vegetation cutting standards of Belgrade's Shoreland Zoning ordinance shall be adhered to. Natural vegetated buffer strips shall be maintained along perennial and intermittent streams, the width of which is determined by the slope of the land and as determined below. All cutting of vegetation is prohibited within a buffer strip.

Land Slope (%)	**Minimum Width of Buffer Strip (ft.)**
0	25
1-10	45
11-20	65
31-30	85
31-40	105
41-50	145
>50	Addition 20' for every 10% of slope

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

4. Sewage Disposal

a. Public System.

1. Any subdivision within the area designated in the comprehensive plan for future public sewage disposal service shall be connected to the public system.

2. When a subdivision is proposed to be served by the public sewage system, the complete collection

system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.

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

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

b. Private Systems.

1. When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface wastewater disposal systems or a private treatment facility with surface discharge, licensed by the Department of Environmental Protection.

2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

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

   ii. 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 in the deed so as not to be built upon.

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

5. 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 at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

6. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, Or Public Access to Shoreline.

a. Preservation of Natural Beauty and Aesthetics.

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

2. Except in areas of the municipality designated by the comprehensive plan as Village Districts, General Development Districts, and Residential/Mixed Use Districts, the subdivision shall be designed to minimize the visibility of buildings from existing public roads. Outside of these designated areas, 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.

3. The Board may require the application to include a landscape plan that will show the preservation of any existing large specimen trees, the replacement of trees and vegetation, and graded contours.

4. Unless located in areas designated as Village Districts, General Development Districts, and Residential/Mixed Use Districts, 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. 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.

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

1. If any portion of the subdivision is located within an area designated by the comprehensive plan as a Critical Resource Conservation District, that portion shall be reserved for 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 include a project review by the Department of Agriculture, Forestry, and Conservation and 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, National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

4. The subdivision shall reserve sufficient undeveloped land to provide for the passive recreational needs of the occupants and to provide residual wildlife habitat. For subdivisions larger than 10 acres, the percentage of open space to be reserved shall constitute no less than 10% of the area of the subdivision. In determining the need for recreational open space, the Board shall also consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities, and the type of development. 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.

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 or to land trusts.

7. Where land within the subdivision is not suitable or is insufficient in amount, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved open space that otherwise would be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

c. Protection of High Value Plant and Animal Species.

1. Areas within 250 feet, of horizontal distance, of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife Beginning with Habitat mapping Project or the comprehensive plan as:

   i. Habitat for species appearing on the official state or federal lists of endangered, or threatened species, or Significant Vernal Pools;

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

   iii. Shorebird nesting, feeding and staging areas;

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

2. 1,320 feet of horizontal distance of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area, defined as a forested area used by deer when snow depth in the open/hardwoods exceeds 12 inches, or travel corridor;

3. Or other important habitat areas identified in the comprehensive plan or in the Department of Inland Fisheries and Wildlife Beginning with Habitat Project; the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. There shall be no cutting

of vegetation within such areas, or within the strip of land extending at least 75 feet from the edge or normal high-water mark of such habitat areas. The applicant must consult with the Maine Department of Inland Fisheries and Wildlife and provide their written comments and recommendations for mitigation measures, if any, to the Board. The Board may require a report to be submitted, prepared by a wildlife biologist, selected or approved by the Board, with demonstrated experience with the wildlife resource being impacted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe any additional appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

d. Protection of Important Shoreland Areas.

1. 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.

2. A subdivision or portion thereof within the Shoreland Zone shall comply with the provisions of that ordinance.

3.

Any clearing or development within 75 feet of a river, stream or brook shall comply with the state Natural Resource Protection Act.

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

1. All open space common land, facilities and property shall be owned by:

i. The owners of the lots or dwelling units by means of a lot owners' association;

ii. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or

iii. The municipality or land trust.

2. 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, and a covenant on the deed to this effect shall be required. 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.

3. Written documents shall provide for the following:

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

   ii. 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.

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

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

7. Conformance with Zoning Ordinance and Other Land Use Ordinances.

All lots, other than those found within cluster developments approved pursuant to Article XIII, shall meet the minimum dimensional requirements of the zoning ordinance for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance and other land use ordinances including the Belgrade Minimum Lot Size Ordinance.

8. Financial and Technical Capacity.

a. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these

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

b. Technical Capacity.

1. The applicant shall retain qualified contractors and consultants with the appropriate state certifications 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.

9. 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:

i. A map showing the basic soils types.

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

iii. Drainage conditions throughout the subdivision.

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

v. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.

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

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

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

4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by onsite ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

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

6. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

b. Ground Water Quantity.

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

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

10. Floodplain Management.

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

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

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

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

11. Identification of Freshwater Wetlands, Rivers, Streams, or Brooks.

Freshwater wetlands within the proposed subdivision shall be identified in accordance with the US Fish and Wildlife Service's National Wetlands Inventory. Any rivers, streams, or brooks within or abutting the proposed subdivision shall be identified.

12. Stormwater Management.

a. For subdivisions that require a DEP review under the Site Location of Development Act (SLDA), a stormwater management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Stormwater Regulations.

b. For subdivisions that do not require a SLDA permit, but require a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500 Stormwater Regulations.

c. For subdivisions within the watershed of a Great Pond, a stormwater management plan shall be submitted if there is 30,000 sq. ft. of disturbed area or 350 linear feet of road or driveway according to the Town's Shoreland Zoning and Commercial Development ordinances. The watershed management plan shall be submitted with the methodology described in the DEP Best Management Practices Manual, 2016 Phosphorous Control in Lake Watersheds.

d. The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a "Downstream Analysis" under conditions of the 10-year, 24-hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm, as described below:

Downstream Analysis Methodology

The criteria used for the downstream analysis is referred to as the "10% rule." Under the 10% rule, a hydrologic and hydraulic analysis for the 10-year, 24-hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a 10-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.

13. Cluster Development

a. **Purpose, Mandate for Clustering.**

1. The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of the ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances to relieve hardship, and action of the Zoning Board of Appeals shall not be required pursuant to 30-A M.R.S.A. § 4353(4-C), but does not authorize the reduction of dimensional standards required under the mandatory shoreland zoning laws.

2. All major subdivisions may be designed as a cluster development, according to the following standards.

b. **Basic Standards for Cluster Developments.**

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

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

3. The Planning Board shall allow lots within cluster developments to be reduced in lot area, street frontage and lot width below the minimum normally required by this ordinance in return for provision of common open space, as long as the maximum number of dwelling units is not exceeded, according to the calculations in paragraph 5 below.

4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage as determined in section 5 below shall be divided by the minimum lot size in the district, as required by the applicable ordinance(s). No building in the cluster development shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.

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

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

   ii. Portions of the lot shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.

   iii. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions

such as, but not limited to:

a. slopes greater than 20%.

b. wetland soils.

c. Portions of the lot subject to right of ways.

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

e. Portions of the lot covered by surface waters.

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

6. Unless a community sewage collection and treatment system is provided, no lot or area of occupation, in the case of a condominium, shall be smaller in area than 20,000 square feet.

7. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. However, at least fifty percent (50%) of the area of the entire parcel or tract shall be included as common open space. Common open space shall not include road right of ways, streets, drives, or parking. No more than fifty percent (50%) of the common open space shall consist of forested or open wetlands of any size.

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

9. The distance between buildings shall not be less than 20 feet.

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

11. Shore frontage for each lot or area of occupation, in the case of a condominium, shall not be reduced below the minimum normally required by the zoning ordinance.

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

13. The common open space shall be owned and managed according to the standards of Article XIII.6.e.

14. The subdivider shall be responsible for the maintenance of the common open space and the other common facilities, until development sufficient to support the neighborhood association has taken place. or, alternatively, the objectives of clustering have been met. The transfer of responsibility shall occur only after review and approval by the Planning Board, upon request by the neighborhood association or the developer or subdivider.

14. Compliance with Timber Harvesting Rules.

The Board shall ascertain that any timber harvested on the parcel being subdivided, has been harvested in compliance with rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning 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. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

15. Traffic Conditions and Streets.

a. **General Standards.**

The proposed subdivision shall meet the following general transportation performance standards:

1. The subdivision transportation system shall provide safeguards against hazards to vehicles, bicyclists and pedestrians in interior subdivision streets and access connections to external streets;

2. The subdivision transportation system shall have design standards that avoid traffic congestion on any street;

3. The subdivision transportation system shall provide safe and convenient circulation for vehicles, bicyclists and pedestrians on interior subdivision streets and access connections to external streets;

4. The subdivision transportation system shall have design standards that are compatible with the estimated Average Annual Daily Traffic of the street, the land uses accommodated by the street, and the lot density of the street; and

5. The subdivision transportation system shall have a positive relationship to the natural setting of the proposed subdivision site.

b. **General Access Standards.**

All subdivision accesses connecting with external streets shall meet the following standards:

1. Accesses connecting to any state or state-aid highway shall meet the minimum access permitting requirements of the Maine Department of Transportation "Highway Driveway and Entrance Rules";

2. Accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour shall meet the minimum access permitting requirements of the Maine Department of Transportation "Rules and Regulations Pertaining to Traffic Movement Permits".

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

   i. the comprehensive plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection; or

   ii. the level of service of the road or intersection will be raised to D or above through transportation demand management

techniques; or

iii. the applicant provides evidence that it is not possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, but improvements will be made or transportation demand management techniques will be used such that the proposed development will not increase delay at a signalized or unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the anticipated opening year of the proposed development, assuming build-out and full occupancy or

iv. improvements cannot reasonably be made because the road or intersection is located in a central business district or because implementation of the improvements will adversely affect a historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical; or

v. the development is located in a designated growth area, in which case the applicant shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise provided in this subsection if needed to address safety issues; or

vi. in the case of unsignalized intersections, if traffic with the development in place would not meet the warrant criteria for signalization or turning lanes, as set forth in the Federal Highway Administration's "Manual on Uniform Traffic Control Devices," (1988), then the municipal reviewing authority may reduce the mitigation requirement for those measures so long as the resulting traffic conditions provide for safe traffic movement.

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

c. **General Internal Subdivision Street Standards.**

All internal subdivision streets shall meet the following minimum standards. In cases where the internal subdivision street standards conflict with the street ordinance of the municipality, the more stringent rule shall apply.

1. The street or street system of the proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the municipality to provide access to abutting properties or to logically extend the street system. All street stubs shall be provided with temporary turn around or cul-de-sacs unless specifically exempted by the Public Works Director, and the restoration and expansion of the street shall be the responsibility of any future developer of the abutting land. Minor collector and local streets shall connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

2. Where necessary to safeguard against hazards to vehicle drivers, bicyclists, and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways, transportation demand management techniques, and traffic controls within existing public streets.

3. Street Names, Signs and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall

be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed as approved by the Board.

4. During street construction, the entire right of way shall not be cleared unless clearing is necessary for utilities, drainage, or other infrastructure necessities beyond the clear zone. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire right of way created during the street construction process. 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.

16. Specific Access and Street Design Standards.

a. **Access Control.**

1. To the maximum extent practical, all subdivision accesses shall be constructed perpendicular to the external street providing access to the subdivision. No subdivision accesses shall intersect the external street at an angle of less than 60 degrees.

2. Where a subdivision abuts or contains an existing or proposed arterial street, no lot may have vehicular access directly to the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

3. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots. In cases where creating an access to a lesser traveled way is problematical, the Board may allow an access on the higher volume street if the access does not significantly detract from public safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage on

the external street, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic. In cases where the double frontage lot has frontage on two Maine Department of Transportation designated noncompact arterials, the access shall meet the permitting standards of the Maine Department of Transportation "Highway Driveway and Entrance Rules".

4. Lots in subdivisions with frontage on a state or state aid highway shall have shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served.

5. The subdivision access including all radii must be paved from the edge of pavement of the external street to the street right of way or the length of the design vehicle using the subdivision, whichever is greater, unless:

   i. the external street is not paved; or

   ii. the internal subdivision street is an unpaved private street that is expected to carry an Average Daily Traffic capacity of 50 trips or less.

6. Minimum Sight Distance Standards Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access. For accesses that are expected to carry primarily passenger vehicles, the standards in the second column in Table XIII.15-1 shall apply. For accesses that are estimated to carry more than 30% of their traffic in vehicles larger than standard passenger vehicles, the standards in the third column of Table XIII.15-1 shall apply. On roads that are designated by the Maine Department of Transportation as Mobility or Retrograde Arterials, the third column in Table XIII.15-1 shall apply.

7. Access design shall be based on the traffic volume estimates anticipated to be carried by the internal subdivision street. Traffic volume estimates shall be defined by the latest edition of the Trip Generation Manual published by the

Institute of Transportation Engineers. The following traffic volume standards shall apply to the design of subdivision accesses connecting to external streets:

i. Low Volume Access: An access with 50 or less passenger car equivalent trips per day.

ii. Medium Volume Access: Any access with more than 50 passenger car equivalent trips per day but less than 100 passenger car equivalent trips during the peak hour.

iii. High Volume Access: Any access with 100 or more passenger car equivalent trips during the peak hour.

8. Basic Access Design Standards for Low and Medium Volume Accesses The following minimum access design standards shall apply to all low and medium volume accesses connecting to external streets:

9. Additional Access Requirements for Medium Volume Accesses In addition to the basic access standards outlined in Table XIII.15-2., medium volume accesses on state or state-aid highways designated as Major Collectors or Arterials shall also comply with the following standards:

i. The minimum curb radius on the edge of the access shall exceed the minimum curb radius standard in Table XIII.15-2. if a larger design radius is needed to accommodate a larger design vehicle.

ii. A throat shall be constructed around the access in order to store vehicles waiting to exit the access. The throat shall be of sufficient length to prevent incoming vehicles from queuing back into the highway. Access from the throat to parking or other areas shall be prohibited.

iii. A separator strip or strip of land that separates the roadway from the throat or parking area shall be constructed. The access separator strips shall be installed between the parking area and the roadway and along the throat. The Board shall determine if the separator strip shall include curbing, walkways, ditching, and/or vegetation. The separator strip shall extend away from the highway at a minimum of 9 feet from the traveled way of the external road.

iv. The Board shall determine if one two-way or two one-way access (es) will be required for the proposed subdivision. If a one-way system is required and the predominant traffic volume is truck traffic, the entrance will be configured on the minimum angle that permits the truck to enter or leave the highway safely and conveniently. Otherwise, all one-way accesses will be configured perpendicular to the highway for at least the length of the design vehicle. For one-way access systems, the Board shall determine if a physical separation of curbing, ditching, grass, or other landscaping must be used between the two one-way accesses. Both portions of a one-way access must be separated from another one-way access by at least 12 feet.

10. All high-volume accesses shall meet the requirements of the Maine Department of Transportation's "Rules and Regulations Pertaining to Traffic Movement Permits." A copy of the Maine Department of Transportation's required traffic study shall be submitted to the Board. The Board shall develop design standards for the proposed subdivision access based on the findings of the traffic study submitted to the Maine Department of Transportation. The design standards shall be compatible with the performance standards cited in Article XIII.15.b of the Subdivision Regulations.

b. **Street Design and Construction Standards.**

1. **General Requirements.**

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

ii. Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five

feet. The plans shall include the following information:

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

b. Intersections of the proposed street with existing streets.

c. Roadway and right-of-way limits including edge of pavement or aggregate base, edge of shoulder, clear zone, sidewalks, and curbs.

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

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

f. Turning radii at all intersections.

g. Centerline gradients.

h. Size, type, vertical clearance, and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

iii. Upon receipt of plans for a proposed public street the Board shall forward one copy to the municipal officers, the road commissioner, and the municipal engineer for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the municipal engineer for review and comment.

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

v. Private Roads. The following standards shall apply to all proposed private roads:

a. All private roads shall be designated as such and will be required to have

adequate signage indicating the road is a private road and not publicly maintained.

b. Except for sidewalk, bicycle provisions and minimum grade requirements stipulated in this Section, all private roads shall adhere to the road design standards of this Section.

c. The Board may approve a reduction of the right of way easement for private roads to a minimum of 30 feet in land use density areas designated as "Rural" in the Town's Comprehensive Plan.

d. All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.

e. All private roads shall have adequate provisions for drainage and stormwater runoff as provided in Article XIII.12.

f. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan: "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet all municipal street design and construction standards."

g. A road maintenance agreement, prepared by the Town Attorney shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for a method to initiate and finance a private road and maintain that road in condition, and a method of apportioning maintenance costs to current and future users.

2. **Street Design Standards.**

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

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

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

iii. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.

iv. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance. When such widening or realignment is included in the municipality's capital investment plan, the reserve area shall not be included in any lot but shall be reserved to be deeded to the municipality or State.

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

and accepted.

vi. The design standards of Table XIII.15-3 shall be compatible with the traffic volume access thresholds referenced in Article XIII.16.a.7. In addition, the street design standards shall be compatible with the estimated Average Daily Traffic expected to occur on the internal subdivision street, and the land use type and lot density allowed in the land use zone.

vii. The Board shall have authority to increase the minimum standards in Table XIII.15-3, if the Board approves a road design that will accommodate travel speeds greater than 30 mph.

viii. On Street Parking. The Board shall have authority to require a paved cross section of 26 feet for residential subdivisions with average lot widths between 100 feet and 40 feet wide for on-street spillover parking.

ix. Curbs.

a. Curbs shall be installed for stormwater purposes and/or to protect the pavement edge from unraveling along parking lanes or in very intensive developments where heavy use may erode the planted area at the edge of the pavement. Curbs for stormwater management shall be contingent on the stormwater design standards specified in Article XIV.13. If curbs are not necessary for stormwater management purposes, they are not required for subdivisions in which the average lot width is 100 feet or greater. If the Board requires a vertical curb and no parking lane is present, a minimum shoulder of 2 feet is recommended from the traveled way to the curb. For sloped curbs where no parking lane is present, a minimum 1-foot shoulder is required from the traveled way to the curb.

b. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement.

x. The Board may require additional shoulder lengths in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other bicycle traffic generators suggest that additional shoulder lengths will be needed for bicycle traffic. In situations where additional shoulder lengths are required for bicyclists, the minimum width of a paved shoulder shall be 1 foot on either side of the traveled way for all low and medium volume streets in Rural areas as designated in the Town's Comprehensive Plan. Paved shoulder widths for low and medium volume streets in Village/Urban (V/U) designated zones shall be a minimum of 2 feet on either side of the traveled way.

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

xii. Dead End Streets. Subdivisions must have an adequate turn-around as determined by the Planning Board with input from the Belgrade Fire & Resecue Department. In addition to the design standards in Table XIII.15-3, dead-end streets shall be constructed to provide a cul-de-sac turn-around with a travel lane and width equal to the minimum width required for the internal subdivision street. For all residential cul-de-sacs, the minimum radius shall be 38 feet. For commercial/industrial cul-de-sacs the minimum radius shall be 50 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board shall require the reservation of a twenty-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a right-of-way easement equal to the right of way width of the internal subdivision street in line with the street to provide continuation of the road where future subdivision is possible. A "T" turnaround is permissible for residential subdivisions carrying an ADT of 100 or less. The turnaround area shall have a width equal to the street width, a 5-foot turning radius, and a total length of 50 feet centered above

the street.

xiii. Sidewalks. The Board may require sidewalks in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other pedestrian traffic generators suggest sidewalks will be needed. The Board shall determine if sidewalks will be installed on one side or both sides of the street, and if the sidewalk shall be a bituminous or Portland cement concrete sidewalk.

a. Location. Sidewalks may be located adjacent to the curb or shoulder, but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed. If no shoulder is required, the sidewalk shall be located a minimum of 4 feet from the edge of the traveled way.

b. Bituminous Sidewalks.

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

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

c. Portland Cement Concrete Sidewalks.

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

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

3. **Street Construction Standards.**

i. The minimum thickness of material after compaction shall meet the specifications in Table XIII.15-4.

ii. Preparation.

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

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

c. All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.

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

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

iii. Bases and Pavement.

a. Bases/Subbase.

i. The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of Table XIII.15-5. Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

ii. If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of Table XIII.15-6. Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

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

v. Pavements.

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

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

c. Surface Gravel. The Board may approve an aggregate road base for any internal subdivision public street in which zoning requires a minimum of one dwelling unit per 7 acres, or any private way with a maximum estimated Average Daily Traffic of 50 ADT or less. The surface gravel shall meet the gravel grading requirements of Table XIII.15-7.

Table XIII.15-1 Minimum Sight Distance Standards for Subdivision Accesses

Posted Speed (MPH)	Sight Distance Standard Vehicles (Feet)	Sight Distance Larger Vehicles (Feet)	Mobility Sight Distance (Feet)
20	155	230	Not applicable
25	200	300	Not applicable
30	250	375	Not applicable
35	305	455	Not applicable
40	360	540	580
45	425	635	710
50	495	740	840
55	570	855	990
60	645	965	1,150

Table XIII.15-2 Access Design Standards for Low and Medium Volume Accesses

Basic Standards		*Low Volume*	*Medium Volume*
		(feet)	(feet)
Minimum Access Width:*			
	Majority Passenger Vehicles	14	22
	>30% Larger Vehicles	30	30
Minimum Curb Radius:			
	Majority Passenger Vehicles	10	15
	>30% Larger Vehicles	15	15
Minimum Corner Clearance to:**			
	Unsignalized Intersection	75	100
	Signalized Intersection	125	125
Minimum Access Spacing***:			
	MPH of External Road		
	35 or less:	No Requirement	No Requirement
	40	175	175
	45	265	265
	50	350	350
	55 or more	525	525

*Minimum widths for low or medium volume accesses shall be either the minimum cross section width of the internal subdivision street or the minimum access width in Table 11.15.-2, whichever width is greater.

**Minimum corner clearance shall be the distance measured from the edge of an internal subdivision access excluding radii to the edge of an external street excluding radii.

***Minimum access spacing shall be the distance measured from the edge of an internal subdivision access excluding radii to the edge of a neighboring access excluding radii.

Table XIII.15-3 Street Design Guidelines

Access Category	Low Volume			Medium Volume												High Volume		
Traffic Volume Level	1-50 ADT			50-100 ADT			100-400 ADT			400-1500			1500+			100 PCE+		
Density Pattern	R	V/U	I/C	R	V/U	I/C	R	V/U	I/C	R	V/U	I/C	R	V/U	I/C	R	V/U	I/C
Minimum Right of Way	40'	40'	40'	40'	40'	50	50	50	50	50	50	60	60	60	60	60	60	60
Minimum Traveled Way Width	14'	16'	16'	18'	18'	24'	18'	20'	28'	18'	20'	30'	20'	22'	30'	22'	24'	30'
Minimum Shoulder Width (each side)*	0'	0'	4'	0'	1'	2'	2'	1'	2'	2'	2'	4'	3'	4'	5'	3'	4'	5'
Clear Zone Width (each side)	7'	7'	7'	7'	7'	7'	7'	7'	7'	8'	8'	8'	8'	8'	8'	8'	8'	8'
Minimum Vertical Clearance**	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'
Minimum Grade	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.5
Maximum Grade***	8%	8%	5%	8%	8%	5%	8%	8%	5%	6%	6%	5%	6%	6%	5%	5%	5%	5%
Minimum Centerline Radius****	100'	100'	350'	100'	100'	350'	100'	100'	350'	140'	140'	350'	140'	140'	350'	350'	350'	350'
Roadway Crown Asphalt Surface	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"/ft	.25"
Roadway Crown Aggregate Surface	.5"/ft	N/A	N/A	.5"/ft	N/A	N/A	.5"/ft	N/A	N/A	.5"/ft	N/A	N/A	.5"/ft	N/A	N/A	.5"/ft	N/A	N/A
Minimum Internal Sight Distance	155'	155'	230'	155'	155'	230'	155'	155'	230'	155'	155'	230'	155'	155'	230'	155'	155'	230'
Minimum Internal Spacing Standards*****	25'	25'	40'	25'	25'	40'	25'	25'	40'	25'	25'	40'	25'	25'	40'	25'	25'	40'
Minimum Internal Access to Street Corner Clearance******	30'	30'	75'	30'	30'	75'	30'	30'	75'	30'	30'	75'	30'	30'	75'	30'	30'	75'

*The Board may require an increase in shoulder width for stormwater management purposes or road stabilization.

**The minimum vertical clearance is the vertical clearance over the entire roadway width, including any shoulders.

***Maximum grade may be exceeded for a length of

****Superelevation is not recommended for any subdivision street, unless recommended by Town Engineer or Town-Hired Consultant.

*****Internal spacing distances are measured from the edge of one internal subdivision access to another, excluding curb radii.

******Internal access to street corner clearances are measured from the edge of an internal subdivision access to an intersecting public road, excluding curb radii.

Table XIII.15-4 Minimum Pavement Materials Thickness

Street Materials	Thickness Standards
Aggregate Subbase Course (Max. sized stone 6")	
Without base gravel	18"
With base gravel	15"
Crushed Aggregate Base Course	
(if necessary)	3"
Hot Bituminous Pavement	
Total Thickness	3"
Surface Course	1 1/4"
Base Course	1 3/4"
Surface Gravel	
(if permissible)	3"

Table XIII.15-5 Aggregate Subbase Grading Requirements

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

Table XIII.15-6 Base Course Grading Requirements

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

Table XIII.15-7 Surface Gravel Grading Requirements

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

ARTICLE XIV: STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

1. General Requirements.

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

b. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plans shall include the following information:

1. Date, scale, and magnetic or true north point.
2. Intersections of the proposed street with existing streets.
3. Roadway and right of ways limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
4. Kind, size, location, material; profile, and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
5. Complete curve data shall be indicated for all horizontal and vertical curves.
6. Turning radials at all intersections.
7. Center line gradients.
8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

c. Upon receipt of plans for a proposed public street the Board shall forward one copy to the to the Municipal Officers and the Road Commissioner for review and comment.

2. Storm Water Management Design Standards.

a. Adequate provisions shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of

swales, culverts, under drain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

1. All components of the storm water management system shall be designed to meet the criteria of a twenty-five-year storm based on rainfall data for Portland, Maine.

2. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

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

4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.

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

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

d. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the town or Subdivision Association if they are responsible, allowing maintenance and improvements of the system.

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

3. Additional Improvements and Requirements.

a. **Erosion Control.**

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

ARTICLE XV: PERFORMANCE GUARANTEES

1. Types of Guarantees.

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

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

b. An irrevocable letter of credit (see Appendix A for a sample) 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 town manager.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the municipal engineer, road commissioner, municipal officers, and/or municipal attorney.

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.

3. Escrow Account.

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

4. Letter of Credit.

An irrevocable letter of credit from a bank or other lending institution with offices in the region, shall indicate that funds

have been set aside for the construction of the subdivision for the duration of the project and may not be used for any other project or loan.

5. Phasing of Development.

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. 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.

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 retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

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 so report in writing to the code enforcement officer, the municipal officers, the Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

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.

ARTICLE XVI: PHOSPHORUS CONTROL STANDARDS

1. All subdivisions shall adhere to the Phosphorous Control Standards according to the Maine Department of Environmental Protection's March 2016 Maine Stormwater Management Design Manual, Volume II Phosphorous Control Manual, including the phosphorous allocations for specific great ponds in Appendix C of the Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II, March 2016. To the maximum extent feasible, phosphorous control measures shall include reliance on natural vegetation buffer areas. Engineered phosphorous

control systems shall be routinely inspected and maintained in accordance with the subdivision's inspection and maintenance plan to ensure long-term effectiveness and proper operation.

ARTICLE XVII: WAIVERS

1. Where the Board makes written finding of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economic development, provided the waivers do not have the effect of nullifying the intent and purpose of the Belgrade Comprehensive Plan, the Shoreland Zoning Ordinance, or these regulations.
2. Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirements for such improvements, subject to appropriate conditions.
3. In granting waivers to any of these regulations in accordance with Article XVII.1 and Article XVII.2, the Board shall require such conditions as will assure the objectives of these regulations are met.
4. Waivers to be shown on final plan. When the Board grants a waiver to any of the improvements required by these regulations, the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE XVIIIS: APPEALS

1. Appeal to Superior Court.

A decision of the Planning Board under this Ordinance may be taken directly to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B..

APPENDIX A

SAMPLE LETTER OF CREDIT

Jane Planner, Chairman Your
Town Planning BoardTown Hall
Your Town, ME 04000

Re: *Letter of Credit for:*

Developer, Inc.
Sunshine Estates
Your Town, Maine

Dear Ms. Planner:

This letter will confirm to Your Town that the Big Town Savings Bank has issued a loan commitment to Developer, Inc. for the purpose of constructing all required improvements in the "Sunshine Estates" subdivision.

Big Town Savings Bank will set aside $230,000 in a Construction Escrow Account for completion of the required improvements. This account can be drawn upon by Your Town in the event that Developer, Inc. fails to complete steps A through H listed below for Windy Road on or before (two years from date of Final Plan approval).

Approximate length of road 2,350 feet:

A.	Grub roadways full width of 50 feet @ $4/ft.	$9,400
B.	Shape sub-base and grade it @ $4/ft.	9,400
C.	Install under-drain culverts @ $16/ft.	37,600
D.	Install sewer @ $22/ft. x 2,050 feet plus pump $16,500	61,600
E.	Install water mains @ $14/ft x 2,400 feet	33,600
F.	Apply and shape 18" gravel base @ $8.30/ft x 2,350 feet	19,500
G.	Apply and shape 3" of crushed gravel; apply 1 3/4" of base course bituminous concrete to width of 24 feet, applybituminous curb and 2" of bituminous concrete to a width of 5 feet @ $10/ft. x 2,350 feet	23,500
H.	Apply 3/4" of surface bituminous concrete to width of 24 feet @ $5/ft	11,800

Big Town Savings Bank understands that Developer, Inc., or the contractor, will notify the Town Engineer or Code Enforcement Officer before any of the above work has begun and obtain his/her approval in writing as he/she completes each phase of the road construction.

This Account will expire when Your Town acknowledges in writing to Developer, Inc. that the work outlined in Steps A through H has been completed in accordance with Your Town's subdivision regulations and street acceptance ordinance, and the approved plans of Sunshine Estates. Any funds

remaining in the account on (date specified above) for work outlined in Steps A through H which has not been completed and approved by the Town on that date will be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer issues his/her written approvals for each step above to Developer, Inc., the funds in this Account will be released based upon the schedule above.

Drafts drawn upon this account must be for this particular subdivision and to complete any work that is outlined above. Furthermore, drafts must be accompanied by itemized statements showing costs of work to be completed and must be submitted prior to (six to nine months following date specified above). Your Town will not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before (date specified above).

Very truly yours,

Bob Banker
Loan Officer

SEEN AND AGREED TO: _____
Developer, Inc.

Your Town hereby accepts this original letter as evidence of Developer, Inc.'s obligation to be performed.

_____
Town Manager or Chair of the Selectboard