Town of

WESTPORT ISLAND

in

Lincoln County, Maine

Subdivision Ordinance

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SUBDIVISION ORDINANCE

SECTION 1. – PURPOSE

In order to assure the comfort, convenience, safety, health and welfare of the people of the Town of Westport Island, to protect the town's water supply and ground water, to protect the environment, to promote the development of an economically sound and stable community, to assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures, and to minimize the potential negative impacts from new subdivisions on neighboring properties and on the municipality

SECTION 2. – AUTHORITY

To insure that new development in the Town of Westport Island meets the goals and conforms to the policies of the Westport Island Comprehensive Plan, the Subdivision Ordinance including regulations, criteria and standards are adopted pursuant to Art. VIII, Pt. 2, Sec 1 of the Maine Constitution, and 30-A M.R.S.A. 3001 et seq. and 30-A M.R.S.A. §4401-4407.

SECTION 3. – ADMINISTRATION AND AMENDMENTS

3.A. The provisions of this Ordinance shall pertain to all land and buildings proposed for subdivisions within the boundaries of the Town of Westport Island. All Town of Westport Island Ordinances apply, as appropriate and relevant, to any project covered by this Subdivision Ordinance. Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance¸ regulation or statute, the more restrictive shall control.

3.B. This Ordinance shall be enforced by the Board of Selectmen, who may delegate enforcement responsibilities to an appointed agent including, but not limited to, a Code Enforcement Officer and/or a Local Plumbing Inspector.

3.C. The Town of Westport Island Planning Board, hereinafter called the Board, is authorized to review and act on all Subdivision Applications in a manner outlined within this Ordinance.

3.D. This Ordinance may be amended by majority vote of the Legislative Body of the Town o**f** Westport Island at a Town Meeting. A Public Hearing shall be held by the Planning Board and/or the Board of Selectmen prior to the vote by the Legislative Body of the Town. The Public Hearing shall be noticed at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the municipality, at least two (2) times with the date of the first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing. Amendments to this Ordinance may be initiated by the Board of Selectmen, by a majority vote of the Planning Board, or by a resident petition of 10% of the votes cast in the most recent gubernatorial election.

SECTION 4. – ZONING DISTRICTS

The areas in the Town of Westport Island are divided into the following districts as shown on the Official Town of Westport Island Zoning Map(s):

4.A. Resource Protection District includes portions of the following properties:

4.A.1. The area 250 feet from the wetland located on Map 4 Lot 9, known as the Hopkins Pond.

4.A.2. The portion of Map 3 Lot 2.1 located 250 feet from the wetland identified as Hopkins Pond

4.A.3. The area 250 feet from the pond known as the Meadow Pond, including portions of Lots 31, 35, 39, 40, and 41 and 42 on Map 3. **Subdivisions cannot be proposed in Resource Protection Districts.**

4.B. Limited Development District includes those properties or portions of properties that are located 250 feet from the following wetlands:

4.B.1. Squam Creek Marsh including portions of the following properties: Map3 Lots 38 and 44.1, Map 4 Lots 3, 8, 50, 55 and 61

4.B.2. Heal's Upper Mill (Heal Pond) including portions of the following lots: Map 3 Lots 55.2, 56, 57, 58, 65, 68.1, 68.2, 68.3 and 68.4

4.B.3. Meadow Pond, including portions of the following lots: Map 3 Lots 3.4 and 3.5

4.B.4. Beaver Pond including portions of the following lots: Map 2 Lots 35, 39 and 40

4.B.5. The 250 foot portions of Map 4 Lots 2, 6.1 and 6.2 which are adjacent to Hopkins Pond.

4.C. Commercial Fisheries/Maritime Activities District includes areas on tidal water where the activities are primarily those requiring access to tidal water and generally associated with maritime functions. The district may include portions of a lot. The following properties are designated as Commercial Fisheries/Maritime Activities Districts (CFMA):

4.C.1. Map 7 Lot 52.01 (currently North End Lobster Coop – Marina)

4.C.2. Map 6 Lot 111.11 (currently Westport Boat Works – Marina)

4.C.3. Map 1 Lot 24.14 (portion only – commercial fishing)
A portion of land of the estate of Teresa Richardson, being the existing stone wharf and adjacent land described as follows: Beginning at the southwest corner of land of George

D. Richardson III at a ring bolt in the ledge; thence N 45□ 53' 30" West by land of George D. Richardson III to a 5/8" drill hole; thence Southwesterly to a 1 ½" iron pipe at land of Dunlop; thence Southwesterly by land of Dunlop to a ½" iron pipe near the shore of the Sheepscot River; thence to low water mark in said River; thence Easterly by low water mark to a point in a line extended S 45□ 53' 30" East from the point of beginning; thence N 45□ 53' 30" West to the point of beginning.

4.C.4. Map 4 Lot 60.01 (land of George R. Harrison – commercial fishing)

4.C.5. Map 4 Lot 56 (portion only – commercial marine construction) A portion of the land of E. Davies Allen being described as follows: Beginning at a point most southerly and easterly in the cove East of the Boathouse peninsula marked by a steel pin in the ledge above high water: thence due magnetic South to a point 250 feet from high water marked by a concrete marker; thence Westerly along the 250 foot setback line to a concrete marker; thence due magnetic North to a pin in the ledge located in the westerly corner of the cove West of the Boathouse peninsula; thence Easterly along the shore to the point of beginning.

4.C.6. Map 3 Lot 16 (land of Reginald Lee – commercial fishing)

4.C.7. Map 6 Lots 77.1 and 78 (formerly Mary Wright; now Town of Westport Island – boat launch and maritime activities)

4.D. Limited Residential/Commercial District – Includes all other area not specifically identified as Resource Protection, Limited Development or Commercial Fisheries/Maritime Activities Districts.

SECTION 5 – ADMINISTRATIVE PROCEDURE – APPLICATION PROPOSAL PROCEDURE

5.A. Pre-application Meeting, Sketch Plan and On-Site Inspection

5.A.1. Purpose

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

5.A.2. Procedure

5.A.2.a. The applicant shall present a Pre-application Sketch Plan.

5.A.2.b. The Planning Board may ask questions and make suggestions which may be incorporated by the applicant into the application.

5.A.2.c. Following discussions on the Sketch Plan, the Board, on its own motion, or by request of the applicant, may conduct a Site Visit.

5.A.3. Submission

The Pre-application Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered and may be a free hand penciled sketch, shall be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. Topographic site conditions such as steep slopes, wet areas and vegetative cover shall be identified in a general manner. The Sketch Plan shall be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:

5.A.3.a. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision,

5.A.3.b. Copies of those portions of the county or any town soil surveys and/or hydrological studies covering the proposed subdivision, showing the outline of the proposed subdivision,

5.A.3.c. Areas to be contoured at greater than a 5' contour interval on the plan to be submitted in the final application shall be discussed and approved at the Pre-application Meeting.

5.A.3.d. Any lot clearing or temporary road construction necessary to conduct any assessments or tests necessary to support the application, are subject to normal Town Ordinances and standards including, but not limited to, building permits, written plans for temporary erosion and sedimentation control as well as permanent stabilization measures following testing. The applicant may include a list of any such efforts and a tentative schedule as to when they will commence, especially if they deem it useful to the review process to have representatives of the Board or other potential parties present during the testing phase.

5.A.4. On-Site Inspection

The purpose of the Pre-application site visit is purely informational, as an aid to all involved in a future review to understand more fully the Final Plans when submitted. Prior to the on-site inspection, the applicant shall place "flagging" at fifty (50) foot intervals along the approximate centerlines of any proposed streets, and locate the approximate frontage center of proposed lots with road frontage, or the approximate entrance location of any roads or driveways proposed to provide access to non-frontage lots. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5.A.5. Rights Not Vested

At the Pre-application meeting, the submittal or review of the Sketch Plan or the on-site inspection shall not be considered the initiation of the substantive review process for the purpose of bringing the proposed subdivision under the protection of Title 1 M.R.S.A. Section 302.

5.B. Final Plan Application

5.B.1. Within six (6) months after the Pre-application Meeting, the applicant shall submit an application for approval of a Final Plan (see **Sections 6.B**. and **7.A.** for a list of items required).

If an applicant cannot submit the Final Plan within six (6) months, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed with the Board in writing, 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 Final Plans and in pursuing approval of those Final Plans before other agencies, and that municipal ordinances or regulations which may impact the proposed development have not been amended.

5.B.2. At the meeting where the Final Plan is presented, the applicant shall note that

5.B.2.a. Any requirement of the application which is not applicable or for which a waiver is requested, and

5.B.2.b. **For** any criterion that is not applicable and therefore not addressed, the Board may vote to grant waivers of submission requirements, which it finds are not applicable to the proposed subdivision. The Board shall prepare written findings in support of any waiver approved. Cost of providing a required submission shall not be grounds for granting a waiver. Based on all materials presented, the Board shall vote as to whether the application is complete or not complete. The Board shall notify the applicant in writing within thirty-five (35) days of the Board's determination that the application is complete. If the application is deemed not complete, the Board shall notify the applicant of the specific additional material needed to complete the application. This notification shall be in writing within thirty-five (35) days of the receipt of the incomplete application.

5.B.3. The Board may consult experts as deemed necessary in their deliberations, providing that the Board only selects such experts that have been previously discussed with the applicant. The Board may require the owner or the owner's authorized agent to deposit in escrow an amount of money sufficient to cover the costs of any professional review of the subdivision application, which the

Board may feel, is reasonably necessary to protect the general welfare of the Town. Maximum amounts for this escrow payment shall be established by the Board of Selectmen. This escrow payment shall be made to the Town Treasurer before the Board engages any outside party to undertake this review and to make recommendations to the Board. Payments made from this escrow account shall be requested by the Planning Board and authorized by the Board of Selectmen. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent.

SECTION 6 – APPLICATION REQUIREMENTS – MINOR SUBDIVISIONS (Three or Four lots with no streets included)

6.A. The Board may require, where it deems necessary for protection of public health, safety and welfare, that a minor subdivision comply with any or all of the requirements of a major subdivision.

6.B. Procedure Final Plan

The Final Plan shall include or be accompanied by the following information:

6.B.1. Proposed name of the subdivision, or identifying title, plus the assessor's map and lot number(s).

6.B.2. Purpose, nature, and projected cost of project.

6.B.3. A list of all abutters to the properties proposed for subdivision.

6.B.4. Right, title or interest in the property.

6.B.5. A Final Plat consisting of one or more maps or drawings, drawn to a scale of not more than one hundred (100) feet to the inch. Final Plats for subdivisions containing more than one hundred (100) 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. Final Plats shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the border on the left side for binding, and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved on the Final Plat for endorsements by the Planning Board. The Final Plat should contain the following information:

6.B.5.a. Land Description A standard boundary survey of the parcel giving complete descriptive data by bearings and distances, made and certified by a Professional Land Surveyor. The Final Plat shall indicate the type of monument found or to be set at each lot corner.

6.B.5.b. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, water courses and other essential existing physical features,

6.B.5.c. The location of all rivers, streams, brooks and wetlands within or adjacent to the proposed subdivision,

6.B.5.d. Contour lines at not more than five (5) foot intervals, or at the interval specified by the Board, showing elevations in relation to mean sea level,

6.B.5.e. The location and size of existing and proposed sewers, water mains, culverts and drainage ways on or adjacent to the property to be subdivided,

6.B.5.f. The dimensions and location of any streets, public improvements or open space shown upon the official map and the Comprehensive Plan, if any, within the subdivision,

6.B.5.g. The location of any common land and a description of proposed improvements and its management,

6.B.5.h. If any portion of the subdivision is in a flood prone area, the boundaries of any flood hazard areas and the 100 Year flood elevation, shall be delineated on the Final Plat.

6.B.5.i. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision,

6.B.5.j. The date the Final Plat was prepared and by whom prepared, the north point, and graphic map scale,

6.B.5.k. The location of any test sites, proposed water supply and sewage disposal sites and related structures.

6.B.6. Facilities Description If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and ground water conditions and depths to maximum ground water level shall be indicated. Information from a Maine State Certified Site Evaluator and a completed HHE 200 form, approved and signed by the Local Plumbing Inspector, must be submitted with the application for each lot in the subdivision.

6.B.7. A description of the type of water supply system(s) to be used in the subdivision,

6.B.8. The names and addresses of the owner(s) of record, applicant, and individual(s) or company who prepared the Final Plat,

6.B.9. Any analyses, reports, etc. required to support adherence to a standard or to demonstrate compliance with a criterion and the names and addresses of any individuals or companies who prepared and/or certified them,

6.B.10. An erosion and sedimentation control plan in conformance with **Section 12.C.**

6.B.11. An estimate of the amount and type of vehicular traffic to be generated on a daily basis,

6.B.12. **Location Map**. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:

6.B.12.a. Existing subdivisions in the proximity of the proposed subdivision,

6.B.12.b. Location and names of streets. The 911 Officer shall be contacted to ascertain that the street names chosen by the applicant are not the same or phonetically similar to other street names on Westport Island or in neighboring communities.

6.B.12.c. Boundaries and designations of zoning districts,

6.12.d. An outline of the proposed subdivision and any remaining portion of the owner's property if the Final Plat submitted involves only a portion of the owner's entire contiguous holdings.

6.B.13. The location of significant resources including important deer wintering areas, other important plant or wildlife habitat and areas with visual significance,

6.B.14. The location of any trail, trail system or greenbelt that crosses the property,

6.B.15. The applicant shall submit information on the location of the development to the following address to determine if the subdivision has any negative impact on significant historic areas:

State Historical Preservation Office
Maine Historic Preservation Commission
55 Capitol Street,
State House Station 55,
Augusta, Maine 04333

The information submitted above shall include a request that the Westport Island Planning Board be notified of any comments. The applicant shall submit to the Board proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

6.B.16. A statement indicating that all required federal and state approvals have been applied for.

SECTION. 7. APPLICATION REQUIREMENTS – MAJOR SUBDIVISIONS
(More than four lots or any Subdivision containing a proposed street)

7.A. An applicant for major subdivision approval shall file a Final Plan application containing all information required under **Section 6** for a Minor Subdivision, and in addition shall provide the following information:

7.A.1. Street Plans including detailed construction drawings shall be submitted showing a plan view, profile and typical cross-section of the proposed streets and existing streets within three hundred (300) feet of any proposed intersection. The plans shall include the following information:

7.A.1.a. Date, scale and magnetic or true north point,

7.A.1.b. Intersection of the proposed street with any existing streets,

7.A.1.c. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs.

7.A.1.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. Such structures shall be designed and sized in accordance with a storm water management plan prepared by a Registered Professional Engineer and shall meet the minimum storm water design and construction standards of **Section 12.F.**

7.A.1.e. Complete curve data shall be indicated for all horizontal and vertical curves,

7.A.1.f. Turning radii of all intersections,

7.A.1.g. Centerline gradients,

7.A.1.h. Location of all existing and proposed overhead and underground utilities, including, but not limited to water, sewer, electricity, telephone, lighting and cable television,

7.A.1.i. Kind, size, location, profile and cross-section of all existing and proposed drainage ways and structures and their relationship to existing structures,

7.A.1.j. A soil erosion and sedimentation control plan in conformance with the requirements of **Section 12.C.**

7.A.1.k. For a street that is to remain private, the application shall include a plan setting forth how the street and associated drainage structures are to be maintained. Responsibility for street maintenance may be assigned to a lot owners' association or to lot owners in common through provisions included in the deeds for all lots that utilize the private street for access. The applicant shall submit appropriate legal documentation such as proposed homeowners' association documents or proposed deed covenants for Board review. This documentation must address specific maintenance activities such as summer and winter maintenance, long term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.

7.A.1.l. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each proposed driveway that intersects with an existing or proposed public or private road. For a subdivision with more than thirty (30) parking spaces or that will generate more than twenty-five (25) peak hour vehicular trips per day, a traffic impact analysis shall be prepared by a Registered Professional Engineer with experience in traffic engineering. 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 on the road giving access to the subdivision and neighboring roads that may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates shall be obtained from the latest edition of "Trip Generation", published by the Institute of Transportation Engineers.

7.A.2. The Final Plat shall include final designs of any bridges or culverts and drainage ways that may be required on, or adjacent to the property to be subdivided.

7.A.3. A list of facilities and construction items proposed and to be completed by the applicant prior to the sale of lots with the proposed date for completion of each facility or item. Also, evidence that the applicant has financial instruments or resources to complete the items within the time frame proposed.

7.A.4. For major subdivisions that are not served by public sewer and which have a density of more than one dwelling per five (5) acres, or if possible future subdivision of the property could result in a density of more than one dwelling

per five (5) acres, a hydrological assessment shall be prepared in accordance with **Section 12.A.2**. by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology.

7.A.5. A Stormwater Management Plan in accordance with the requirements of **Section 12.F.**

SECTION 8 – FINAL PLAN REVIEW AND APPROVAL

8.A. Final Plan

8.A.1. Subdivision Subject to State Review

If the proposed subdivision requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, the Final Plat shall not be executed until all such approvals are obtained. The applicant shall submit any Conclusions of Law and Findings of Fact to the Board and all recognized parties. The Planning Board may consider them in formulating its own Findings of Fact and Conclusions of Law.

8.A.2 Final Plan Review Procedure

8.A.2.a. All public hearings for subdivisions brought before the Planning Board shall be recorded by electronic means and filed with the Town Clerk of Westport Island.

Any party with the consent of the Chair may arrange for a court reporter to be present at a hearing. All costs incurred are the responsibility of the requesting party. If a written transcript is produced, a single copy is to be provided to the Board. Rights to the transcript remain the property of the party producing it. Copies may only be obtained from that party following agreement of the payment of a reasonable proportionate share of the cost of producing it.

8.A.2.b. When an application is filed with the reviewing authority, the applicant shall file a notice of application by first class mail with all abutting landowners. The filed application shall include certification that such notice has been made. The reviewing authority shall give the applicant a dated receipt for the filing of the application.

Within thirty-five (35) days of the receipt of the application, the applicant shall be notified if the application is deemed complete, or not complete. The applicant shall be notified in writing, as to why the application is deemed not complete. A complete application includes a site evaluation by a State of Maine Certified Site Evaluator, completion of the HHE 200 form, approved and signed by the Local Plumbing Inspector, and a

proposed Soil and Erosion Control Plan as well as other required information.

A hearing, which may include a site inspection, shall be held within thirty-five (35) days of the determination that the application is complete. Notice of this hearing shall be given and published two times in a local newspaper with a readership on Westport Island. The date of the first publication shall be at least fourteen (14) days before the Public Hearing, and the second publication must be at least seven days before the hearing.

The Board may request that the Fire Chief, Road Commissioner, or Local Plumbing Inspector comment (either at the public hearing or in writing to all statutory parties prior to the hearing) upon the adequacy of their departments' existing capital facilities to service the proposed subdivision. The applicant or the applicant's appointed agent shall appear at any hearings held by the Board for the purpose of answering any questions about and providing information relative to the application.

8.A.2.c. At the public hearing, the Chairman of the hearing shall review requests for party status, granting status for those who meet the standards for party status under governing law. Non-statutory parties may be granted full or selective status for certain criteria, based solely upon a demonstration of potential impacts upon their properties under specific criteria. All decisions on non-statutory party status shall be by vote of the Board. All testimony shall be sworn and the Chair shall administer the oath individually to each person who wishes to present testimony.

The Chair shall request testimony upon each criterion and standard contained in this Ordinance. The applicant has the burden of proof and will present information to show that the requirements of the criteria and all Town of Westport Island standards are met, or offer alternatives and provide evidence that the proposed alternatives meet the sprit and requirements of the criteria and standards. The applicant's presentation of evidence is intended to show that the proposed subdivision will conform to each specific criterion and each specific standard associated with that criterion, if any. The burden of proof with regard to that criterion then shifts to the other parties present. An admitted party may then present evidence as to whether the applicant has in fact satisfied specific criteria or standards.

After all testimony and evidence, arguments and rebuttals have been heard, the Board shall decide by vote whether the applicant has met the burden of proof and has satisfied the criteria and Town of Westport Island standards.

8.A.2.d. Within thirty-five (35) days from the date of completion of the public hearing, generally at its next regularly scheduled meeting, the Board shall issue a written order denying, approving, or approving with conditions the application. If the Board finds that all the criteria cited above have been met, it shall vote to approve the subdivision. If the Board finds that any of the criteria cited above have not been met, the Board shall either deny the application or approve the application with conditions to ensure that all of the criteria will be met by the subdivision. At its next scheduled meeting the Board shall sign the written Findings of Fact and Conclusions of Law and any conditions and shall specify its reasons for approval, conditional approval or disapproval. These documents shall be provided to the applicant and all admitted parties within ten (10) days of the date at which they were signed. The Board shall require the applicant to record the approved Final Plan, all Conclusions of Law, Findings of Fact and conditions at the Registry of Deeds.

The decision of the Planning Board relative to the Final Plan shall be considered the appealable decision.

8.B. Final Plat Approval

Within six months of Final Plan Approval, at a regular meeting of the Planning Board, the applicant shall submit the Final Plat and all other required recordable documents (including, but not limited to, Findings of Fact, Conclusions of Law and conditions) to be filed at the Registry of Deeds.

The Final Plat submission shall consist of two (2) reproducible, stable-based transparencies; one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three (3) copies of the Final Plat shall be submitted to the Board. The applicant may instead submit one (1) reproducible stable-based transparent original of the Final Plat and one recording plat with three (3) copies of the Final Plat.

8.B.1. The Final Plat shall include the following:

8.B.1.a. All of the information presented on the Plan Location Map and any amendments thereto suggested or required by the Board,

8.B.1.b. The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.

8.B.1.c. Street names and lines, pedestrian ways, lots, easements and areas to be reserved or dedicated for public use.

8.B.1.d. Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon

the ground. Parting lines of all lands adjoining the subdivision shall be shown.

8.B.1.e. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each street.

8.B.1.f. Lots within the subdivision numbered as prescribed by the Board, as represented by the 911 Officer or Deputy who will provide each lot with a 911 address. Centerlines of each lot shall be staked to assist the 911 Officer to determine the location of each lot.

8.B.1.g. By proper designation, all public common space for which offers of cession are made by the developer and those common spaces to which title is reserved by the developer.

8.B.1.h. Permanent reference monuments shown thus "X". They shall be constructed and placed in accordance with **Section 12.J.** and their location noted and referenced upon the Final Plan.

8.B.1.i. The Plan shall indicate the proposed landscaping program of the Subdivision developer.

8.B.1.j. Any conditions of approval required by the Board.

8.B.1.k. A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.

8.B.1.l. All necessary state and federal approvals have been obtained.

8.B.2. The Planning Board shall review the Final Plat, and all recordable documents solely to insure consistency with agreements/conditions/covenants set forth at the Final Plan approval, and if they are complete and consistent, the Planning Board shall sign the Final Plat.

If the Planning Board determines that changes have been made beyond those agreed to or required by conditions of the Final Plan Approval, they will follow the procedure described in **Section 10 "Revisions to Approved Final Plan".**

8.B.3. No changes, erasures, modifications, or revisions shall be made in any Final Plat after approval has been given by the Planning Board and endorsed by signing the Final Plat.

8.B.4. The approval by the Planning Board of a subdivision Final Plat shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other common space included in such Final Plan.

SECTION 9 – APPLICATION FEES

All applications for Final Plan of a Subdivision shall be accompanied by a fee to be determined by the Board of Selectmen. In addition, as provided for in **Section 5.B.3**. the applicant shall pay reasonable review costs incurred by the municipality, including but not limited to, review of the application by subject experts or by legal counsel. A tentative budget for such review and counsel, if required, will be discussed and agreed to by the applicant prior to the filing of the application.

SECTION 10 – REVISIONS TO APPROVED FINAL PLAN

10.A. Procedure

10.A.1. An applicant for a revision to a previously approved Final Plan shall, at least ten (10) 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 Final Plan approval shall be followed. If the revision involves only minor modifications of the approved Final Plan, without the creation of additional lots or dwelling units, the Board may vote to approve the revised Final Plan at that meeting, or may, because of the nature of the revision, vote to use some or all the procedures for Final Plan approval. For all approved revisions, the Board shall make findings that the revised Final Plan meets the criteria and standards of this Ordinance and the criteria of Title 30-A M.R.S.A. § 4404. The Board will issue new Findings of Fact, Conclusions of Law, and conditions, if applicable, regarding the approved revisions, in no more than thirty-five (35) days. The applicant must then repeat the procedure for Final Plat Approval of the approved revised Final Plan as outlined in **Section 8.B.**

10.A.2. If at any time during the construction of the required improvements it is demonstrated to the satisfaction of the Code Enforcement Officer that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the Code Enforcement Officer may authorize minor modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Code Enforcement Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board. The Board may require the filing of a revised Final Plan depending on the extent of the modification.

10.B. Scope of Review

The Board's scope of review under **Section 10.A**. is limited to those portions of the Final Plan which are proposed to be changed.

SECTION 11 – CRITERIA

11.A. When reviewing any proposed subdivision for approval, the Planning Board shall determine whether the proposed subdivision meets all applicable state subdivision criteria, as currently specified in 30-A M.R.S.A. Section 4404, at the time of approval of this Ordinance, and amendments thereto, as well as the following criteria:

11.A.1. The proposed subdivision will not result in undue water or air pollution. In making this determination it shall consider: the elevation of land above sea level and its relation to the flood plains, the nature of the soils and sub-soils and their ability to adequately support wastewater and sewage disposal, the slope of the land and its effect on effluents, the availability of streams for disposal of effluents, and the applicable state and local health and water resource rules and regulations.

11.A.2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

11.A.3. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

11.A.4. The proposed subdivision will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

11.A.5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public roads or roads necessary for access to or within the proposed subdivision.

11.A.6. The proposed subdivision will provide for adequate wastewater and sewage waste disposal.

11.A.7. The proposed subdivision will not cause an unreasonable burden on the ability of the Town of Westport Island to dispose of solid waste and sewage with respect to the use of municipal facilities existing or proposed.

11.A.8. The proposed subdivision will not place an unreasonable burden on the ability of the Town of Westport Island to provide municipal or governmental services.

11.A.9. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat

or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

11.A.10. The proposed subdivision conforms to the Subdivision Ordinance, Comprehensive Plan, Floodplain Management Ordinance, Shoreland Zoning Ordinance, and any other duly adopted town ordinance or regulation. In making this determination, the municipal review authority may interpret these ordinances and plans.

11.A.11. The subdivider has the adequate financial and technical capacity to meet Maine Subdivision criteria and the criteria and standards of this Ordinance to the completion of the project.

11.A.12. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, pond, lake, river or tidal waters as defined in the Mandatory Shoreland Zoning Act Title 38, Chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the shoreline of such body of water.

11.A.12.a. To avoid circumventing the intent of this provision, if a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extend to the shore.

11.A.12.b. The frontage and set back provisions of this ordinance do not apply within areas designated as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983.

11.A.13. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

11.A.14. If any part of the proposed subdivision is in a flood prone area, the subdivider shall determine the 100 year flood elevation and flood hazard boundaries within the subdivision and include a condition of Final Plan approval requiring that the principal structures in the subdivision In such flood prone areas will be constructed with their lowest floor, including the basement, at least one foot above the 100 year flood elevation.

11.A.15. All freshwater wetlands have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

11.A.16. Any river, stream or brook as defined in the Natural Resources Protection Act, Title 38, Section 480-B, within or abutting the proposed subdivision has been identified on any maps submitted as part of the application.

11.A.17. The proposed subdivision will provide for adequate storm water management.

11.A.18. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.

11.A. 19. The proposed subdivision will not cause an unreasonable burden on the ability of a municipality to provide emergency services.

SECTION 12 – STANDARDS

The following standards are in addition to the requirements of the state statute judgmental criteria, and the Town of Westport Island's judgmental criteria in **Section 11.A**. Compliance with these Standards may be used to show partial or full compliance with the requirements of the associated judgmental criteria.

12.A. Water Supply and Groundwater Quality and Quantity

12.A.1. Water Supply

12.A.1.a. When a proposed subdivision's water supply shall be from individual wells:

12.A.1.a.i. Individual wells shall be sited on the Final Plat and shall be sited at the approved location; alternative locations may be approved by the Board upon request.

12.A.1.a.ii. Lot design shall permit placement of wells, subsurface sewage and waste water disposal areas, and where necessary, additional reserved sites for subsurface sewage and wastewater disposal areas in full compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.

12.A.1.b. If a central water supply system is provided by the applicant, the location and protection of the source, and the design, construction and operation of the system shall conform to all pertinent Maine standards including the Maine Rules Relating to Drinking Water (10-1444 C. M.R. 231). An assessment detailing the design, operation and location of the proposed central water supply system, including the long term capacity of the

source of the water supply, must be provided and certified by a Registered Professional Engineer.

12.A.2. Hydrological Assessment

12.A.2.a. If the density of the whole parcel being proposed for subdivision is more than one unit per five acres, or if possible future subdivisions of the parcel in question is permitted in any of the deeds in the proposed lots, and such further subdivision could result in a density of greater than 1 to 5, a hydrological assessment, prepared by a Certified Geologist or Registered Professional Engineer is required.

12.A.2.b. Hydrological Assessment Components
Unless applicant requests in writing and receives a waiver from the Board to not require certain components of the assessment, a Hydrological Assessment requires the following information:

12.A.2.b.i. Detail of the overall design and layout of the water supplies and sewage disposal systems, showing compliance, as appropriate, with **Section 12.A.1.** and **Section 12.A.2.** and also the Maine Rules Relating to Drinking Water (10- 144A C. M. R. 231),

12.A.2.b.ii. An analysis and evaluation by the certifying agent assessing the adequacy of the proposed overall water management system design (water supply, sewage disposal, ground water preservation, and storm water management), as compared to the State of Maine standards and to currently prevailing good practices for islands similar to Westport Island. In addition, the analysis and evaluation shall include the following:

12.A.2.b.ii.subsection 1. Impact of the proposed subdivision on the quality and quantity of ground water resources available on the parcel in question and on properties abutting the parcel.

12.A.2.b.ii. subsection 2. Impact of any future subdivision that may be permitted on the parcel, on the quantity of ground water resources available on the parcel in question and on properties abutting the parcel. If future subdivision could significantly decrease the quantity of ground water resources available within the parcel and on properties abutting the parcel, an estimate of the practical limit to the density achievable without such adverse impact, shall be included in the hydrological assessment. This assessment is not necessary if the person doing the assessment concludes that the potential level of development will not lower the water table more than ten (10) feet at any point of the property lines of the proposed development. In

addition, covenants requiring Board approval for any future subdivision of any lot in the parcel shall be placed on the deeds of all lots within the parcel.

12.A.2.b.iii. A map showing the basic soils types,

12.A.2.b.iv. The depth to the water table at relevant points throughout the subdivision,

12.A.2.b.v. Drainage conditions throughout the area to be developed in the subdivision.

12.A.2.b.vi. Known data on the existing ground water quality and quantity in the area,

12.A.2.b.vii. 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,

12.A.2.b.viii. 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 concentration at any wells within the subdivision and at the subdivision boundaries.

12.A.2.b.ix. Projections of ground water quality and quantity shall be based on the assumption of drought conditions (assuming 60% of annual precipitation),

12.A.2.b.x. No subdivision shall increase any contaminant concentration in the ground water at any on-site well or at the subdivision boundary to more than the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water at an on-site well or at the subdivision boundary to more than the Secondary Drinking Water Standards.

12.A.2.b.xi. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

12.A.2.b.xii. 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.

12.A.2.b.xiii. Any waiver granted by the Board must be based on clear evidence provided by the applicant, indicating that circumstances unique to the parcel proposed to be subdivided, justify the waiver of a component of the assessment.

12.A.2.b.xiv. Subsurface waste water 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 Plat, and as restrictions in the deeds to the affected lot

12.B. Sewage Disposal

12.B.1. Sewage disposal shall be private subsurface wastewater and sewage disposal systems or a private treatment facility.

12.B.2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator/Soil Scientist or registered Civil Engineer to be in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

12.B.2.a. This evidence may include a test pit log showing the results of a lot by lot analysis demonstrating each lot's suitability for subsurface sewage disposal or a high intensity soil survey by identifying soils boundaries within the subdivision and naming soils types, including a lot by lot determination of soils suitability for the intended uses. Wetland areas shall be identified on the survey. The Site Evaluator shall certify in writing that test pits within the proposed sewage disposal areas meet the requirements for a new system and are located in an area with enough acceptable soil to meet the Disposal Rules and accommodate the proposed waste volume, including a suitable safety factor.

12.B.2.b. Variances from the Subsurface Wastewater Disposal Rules promulgated by the State of Maine Department of Health, including but not limited to holding tanks and overboard discharge systems, are not allowed. Experimental wastewater disposal systems allowed by the Maine Department of Health may be approved by the Board if sufficient evidence is presented by the applicant that said system satisfies the criteria and relevant Town of Westport Island standards.

12.B.3. The design of any private sewage treatment facility must be certified by a Licensed Professional Engineer to meet all applicable State of Maine standards.

12.C. Soil Erosion and Sedimentation

An erosion and sedimentation control plan shall be prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a Professional Civil Engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided:

12.C.1. A vicinity map showing the location of water bodies that may be affected by erosion and sedimentation from the project.

12.C.2. Existing and proposed drainage patterns, including drainage channels that drain to surrounding water bodies.

12.C.3. A sequence of work that outlines how the project will be constructed and specifically addresses how soil disturbance will be minimized during the construction process.

12.C.4. Clear definitions of the limits of work and any buffer areas that will remain undisturbed and a statement of how these areas will be protected during construction.

12.C.5. Description of temporary and permanent erosion control practices that will be used.

12.C.6. Identification of the locations of the temporary and permanent erosion control practices.

12.C.7. Identification of how and where collected sediment will be disposed.

12.C.8. Dust control measures.

12.C.9. Inspection and maintenance procedures, including schedule and frequency.

The Board may request the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District. The applicant shall agree, as a part of the application, that the procedures outlined in the Soil Erosion and Sedimentation Control Plan shall be implemented during the site preparation, construction and clean up stages.

The name, address and telephone number of the person responsible for implementation of the plan shall be provided to the Code Enforcement Officer prior to the commencement of any construction.

12.D. Roads and Streets

12.D.1. Sight Distances

12.D.1.a. All points of access from the subdivision onto existing or proposed public or private roads shall be so designed in profile and grading and located to provide a minimum sight distance in each direction of 10 feet per each mile per hour of street design speed. The measurements shall be from the driver's seat of a vehicle located on the exit driveway 10 feet behind the curb line or edge of traveled way, with the height of eye 3.5 feet to the top of an object 4.25 feet above the pavement.

12.D.1.b. All curves and changes in grade shall provide the following minimum sight distances based on the street design speed.

Design Speed (mph)	15	20	25	30	35
Sight Distance (ft)	120	145	180	220	275

Sight distance shall be measured at the center of the road with a height of eye at 3 feet above the road surface and the height of object at 4 feet above the road surface.
Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
Where street design speeds are less than 35 mph, the applicant will propose methods to warn drivers of oncoming road features and the recommended safe speed associated with that feature to insure that public welfare and safety are reasonably protected.

12.D.2. Street Design Standards

All proposed subdivision roads shall be private and the Final Plan shall include the following condition: "The proposed roads shown on this Plan and Plat are private roads to be maintained by the developer or the lot owners."

12.D.2.a. Any road or driveway that intersects a state or state-aid highway shall conform to the requirements of the Maine Department of Transportation's Highway Driveway and Entrance Rules including rules for curb cuts.

12.D.2.b. All streets in the subdivision shall be designated so that, in the opinion of the Board, they shall provide safe vehicular travel while discouraging movement through traffic.

12.D.2.c. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their

appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these Standards.

12.D.2.d. Adequate off street parking, suitably surfaced, shall be provided in connection with lots designed for commercial and industrial uses.

12.D.2.e. All major subdivisions shall be designed to provide access to individual lots only by interior subdivision roads. Direct access from any public road to any lot in a proposed subdivision shall be prohibited unless the Board determines that physical conditions unique to the parcel justify the granting of a waiver from this requirement. A waiver may be granted only if one of the following conditions is met:

12.D.2.e.i. There is too little road to allow creation of a new way;

12.D.2.e.ii. The shape or physical condition of the parcel does not permit access to or creation of a street other than the existing public way;

12.D.2.e.iii. Common access will be utilized which will allow all proposed lots to be serviced by common curb cuts.

12.D.2.f. A turning cul de sac, or loop, suitable for town emergency vehicles to make a 360□ turn, shall be provided at the terminal point of any road unless the Board specifically authorizes a turning "T" which can satisfy the same need.

12.D.2.g. All disturbed areas must be stabilized.

12.D.3. Road Construction Standards

12.D.3.a. Minimum Subdivision Road Construction Standard

Minimum Right of Way	50 feet
Minimum Road Width	20 feet
Maximum Grade (100 ft. between Measurements)	12 %
Roadway Crown	¼ inch/foot
Minimum Angle of Street Intersection	90□ +/-15□
Minimum Shoulder Width	3 feet
Minimum Grade 75 Feet To Intersection	2 %
Minimum Centerline Radius	120 feet
Minimum Aggregate Sub Base Course	12 inches

Minimum Aggregate Intermediate Course	6 inches
Top Cover Course	2 ½ inches gravel

Cul-de-sacs and Dead-End Roads: A minimum turnaround diameter of 40 feet shall be required for all cul-de-sacs and dead-end roads to ensure safe turnaround for fire apparatus and emergency vehicles.

Vertical Clearance: All fire department access roads shall provide a minimum unobstructed vertical clearance of 13.5 feet (4.1 m) to allow for the safe passage of fire trucks and other emergency vehicles under power lines, bridges, and other obstructions.

Multiple Access Roads: In subdivisions where a single access road may be impaired by through traffic, terrain challenges, or environmental factors, the Planning Board may require multiple access roads to ensure that fire apparatus can reach all areas of the subdivision safely and may involve the inspection or approval from the Fire Chief and Road Commissioner.

12.D.3.b. Bases and Pavements

12.D.3.b.i. Self-contained road construction methods are preferred such that movement of materials on and off site is minimized.

12.D.3.b.ii. The aggregate sub-base course shall be of crushed rock from a jaw crusher set between 4 and 6 inches, or from sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a four (4) inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage to Weight Passing Square Mesh Sieves
¼ inch	25% to 70%
No. 40	0% to 30%
No. 200	0% to 7%

12.D.3.b.iii. The intermediate base course shall be crushed rock from a jaw crusher set between 2 and 3 inches, or from sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The graduation of the part that passes through a three (3) inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage to Weight Passing Square Mesh Sieves

½ inch	45% to 70%
¼ inch	30% to 55%
No.40	0% to 20%
No. 200	0% to 5%

12.D.3.b.iv. Top Cover Courses

The gravel top cover course shall be crushed rock from a cone crusher set at ¾ inch or gravel which shall meet the Department of Transportation Standard Specifications for top cover courses which prevail at the time.

12.D.4. Drainage

12.D.4.a. Any new driveway shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of any street.

12.D.4.b. All ditches and drainage ways associated with the proposed streets and their intersection with existing streets or roads shall meet the requirements set forth in the Storm Water Management **Section 12.F**. and their design shall be considered and approved by the Professional Engineer as part of that analysis.

12.E. Site Clearing and Open Space or Common Land

12.E.1. The Final Plan shall, by notes on the Final Plat and deed restriction, limit the clear cutting of trees to those areas designated on the Final Plat.

12.E.2. Reservation or Dedication and Maintenance of Common Land, Facilities and Services

12.E.2.a. All common land, facilities and property shall be controlled by **t**he owners of the lots or dwelling units by means of a lot owners' association to preserve the Common Land in its natural condition. The Common Land shallnot be designated as open space, permanently protected open space, publicaccess open space, or forever wild open space.

12.E.2.b. Further subdivision of the common land and its use for other than non-commercial recreation, or conservation purposes, except for easements for utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.

12.E.2.c. The common land shall be shown on the Final Plat with appropriate notations on the Final Plat to indicate that it shall not be used for future building lots and shall not be designated as open space, permanently protected open space, public access open space or forever wild open space.

12.E.2.d. The Final Plat approval shall only be given if applicant agrees to adopt and record:

12.E.2.d.i. 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,

12.E.2.d.ii. By-laws of the proposed lot owners' association when necessary, 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.

12.E.2.e. In combination, the documents referenced in **Section 12.E.2.d.** shall provide the following:

12.E.2.e.i. A homeowners' association or similar approved legal entity shall have the responsibility of maintaining the common property or facilities.

12.E.2.e.ii. The association may levy annual charges against all owners of lots or dwelling units to defray the expense connected with the maintenance, repair and replacement of common property and facilities and tax assessments.

12.E.2.e.iii. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

12.E.2.e.iv. The developer or subdivider shall maintain control of the common property and be responsible for its maintenance until the association accepts full responsibility for control and maintenance.

12.F. Storm Water Management

A Storm Water Management Plan prepared by a Registered Professional Engineer shall be designed so that the post development storm water runoff does not exceed the pre development storm water runoff for the twenty-four (24) hour duration of 2 year, 10 year and 25 year frequency storm events. The storm water plan shall be prepared in accordance with "Storm water Management for Maine. Best Management Practices" latest edition, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The storm water plan shall include the following information for the pre and post development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Planning Board may require review and endorsement of the storm water plan and calculations by the Knox-Lincoln Soil and Water Conservation District.

12.G. Emergency Municipal Services

12.G.1. Roads, Streets and Driveways

12.G.1.a. Any road, street or driveway, public or private, within the subdivision shall provide turnaround capability for emergency vehicles within three hundred (300) feet of all primary structures serviced by said road, street or driveway.

12.G.1.b. Any road, street or driveway, public or private, within the subdivision shall be constructed such that emergency vehicles shall have unimpeded access and

egress between all primary structures within the subdivision and the nearest turnaround position.

12.G.2. Emergency Provisions

Any proposal for a new major subdivision shall include a site fire protection plan. The plan shall provide adequate ingress and egress for emergency vehicles and identify a source(s) of water supply for firefighting as outlined by the National Fire Protection Association standards (NFPA 1142, Standards on Water Supplies for Suburban and Rural Fire Fighting), and/or other provisions for any additional elements as mutually agreed to with the Town's Fire Chief as needed to ensure adequate fire protection. The plan shall be reviewed by the Town's Fire Chief prior to the public hearing. The Fire Chief shall also be informed of the location of any existing or proposed underground propane tanks.

12.H. Financial and Technical Capacity

12. H.1. Financial Capacity

12.H.1.a. The applicant may show Financial Capacity through a demonstration that the property to be developed is owned in fee simple, with no outstanding economic encumbrances and has an assessed value large enough to cover cost of proposed public and quasi-public improvement or the cost, reasonably, to restore the project site to its original condition, whichever is greater or,

12.H.1.b. Make the offer of a budget for the construction of all necessary facilities, accompanied by a clear statement by a contractor who has worked recently in the local area that the proposed developments can be constructed for the budgeted amount. This offer must be accompanied by an irrevocable letter of credit, or a bond furnished by an insurance carrier insured to do business in Maine, sufficient to cover the budgeted amount.

12.I. Lots

12.I.1. The maximum number of lots in a major subdivision shall not exceed that number resulting from the division of the net residential area of property to be subdivided by the applicable minimum lot size.

12.I.2. Lot configuration and area shall be designed to provide for adequate off street parking and service facilities based upon the type of development proposed.

12.I.3. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the Plat and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.

12.I.4. Wherever possible, side lot lines shall be perpendicular to the street.

12.I.5. Each lot shall have a developable area for the construction of buildings and other improvements identified without utilizing land unsuitable for development. The developable area shall have a minimum width of 100 feet and a minimum depth of 100 feet except that one dimension may be decreased by up to 25% as long as the other dimension is increased by an equivalent amount. The developable area shall be located outside of any setback area and be free of wetlands, floodplains and slopes in excess of 35%. For the purposes of this paragraph, "wetlands" means those wetlands as identified on the National Wetland Inventory Map. "Floodplains" are as presented on the Flood Insurance Rate Map, and "slopes in excess of 35%" are as illustrated on the U.S. Geological Survey Map.

12.J. Setbacks – Each dwelling constructed in the Subdivision shall have a twenty (20) foot setback from each sideline and a forty (40) foot setback from its back line. In addition, the dwelling shall have a forty (40) foot setback from any road on which it fronts in the Limited Commercial/Residential District and the Commercial Fisheries/Maritime Activities District and a seventy-five (75) foot setback from any road on which it fronts in the Limited Development. Subdivisions are not permitted in the Resource Protection Districts.

12.K. Monuments

Permanent monuments shall be set at all corners and angle points of the subdivision lots and boundaries; and at all intersections and points of curvature. All road angle monuments shall be constructed of stone and shall be a minimum of four (4) inches by four (4) inches and four (4) feet long. All other monuments shall be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The monument shall clearly show the registration number or temporary certificate number of the Registered Land Surveyor responsible for the survey. Where the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close to that point.

12.L. Street Signs

Roads, which join or are in alignment with roads of abutting or neighboring properties, shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the municipality or in neighboring communities and shall be subject to the approval of the 911 Officer or Deputy and the Board of Selectmen.

12.M. Surface Drainage

12.L.1. All improvements recommended in the drainage plan submitted pursuant to **Section 12.F**. shall be shown on the approved Plan.

12.M.2. Topsoil shall be considered part of the subdivision. Except for "surplus" topsoil for roads, parking areas and building excavations, it is not to be removed from the site.

12.M.3. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision as detailed in the Sedimentation and Erosion Plan submitted pursuant to **Section 12.C.**

12.M.4. To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Shoreland Zoning Ordinance of the Town of Westport Island, Maine.

SECTION 13 – INSPECTION AND ENFORCEMENT

13.A. Upon completion of each approved phase of construction and prior to the application for building permits for any lots, the applicant shall submit to the Board a signed and stamped statement by a Registered Professional Engineer stating that the project has been constructed in accordance with the approved plans.

13.B. It shall be the duty of the Board of Selectmen or their appointed agent, including, but not limited to, the Code Enforcement Officer and/or Local Plumbing Inspector, to enforce the Ordinance. The Board of Selectmen or their appointed agent(s) may conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to the approved application.

13.C. If the Board of Selectmen or their appointed agent finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the Final Plans, recordable documents and specifications filed by the Subdivider at the Registry of Deeds, the inspecting official shall so report in writing to the Board of Selectmen, the Planning Board, the Subdivider and the builder. The Board of Selectmen shall take any steps necessary to assure compliance with the approved Final Plan.

13.D. The applicant may request, following completion of all construction related to any phase of the subdivision, that the Planning Board review the project and certify that the conditions relating to that construction have been met.

13.E. Violations

13.E.1. No Final 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 Plat has been approved by the Board in accordance with this Ordinance.

13.E.2. A person shall not convey, offer or agree to convey any land in a subdivision that has not been approved by the Planning Board and recorded in the Registry of Deeds.

13.E.3. A person shall not sell, lease or otherwise convey in fee any land in an approved subdivision, which is not shown on the Final Plat as a separate lot. The transfer of the entire subdivision is allowable.

13.E.4. No lots may be transferred or building permits applied for on an approved lot until construction of all improvements shown for that phase on the Final Plan are completed in accordance with **Section 11. CRITERIA.**

13.E.5. No public utility or any utility company of any kind shall provide new service to any lot in a subdivision for which a Final Plat has not been approved by the Planning Board.

13.E.6. Development of a subdivision without Planning Board approval shall be a violation of law.

13.E.7. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A. Section 4452. The Board of Selectmen, or their authorized agent(s), are hereby also authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering penalties without court action.

SECTION 14 – APPEALS

14.A. Powers and Duties of the Board of Appeals

14.A.1. The Board of Appeals shall have the power to hear and decide Administrative Appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide such appeals on a *de novo* basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any

order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

14.A.2. The Board of Appeals may authorize variances upon appeal, within the limitations set forth in this Ordinance.

14.B. Administrative Appeals

14.B.1. When the Board of Appeals reviews a decision of the Code Enforcement Officer, the Board of Appeals shall hold a *de novo* hearing. At this time the Board of Appeals may receive and consider new evidence and testimony, be it oral or written. When acting in a *de novo* capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

14.B.2. When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board, only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence that was not presented to the Planning Board, but may consider written or oral arguments concerning evidence presented to the Planning Board. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

14.C. Variance Appeals

14.C.1. Variance appeals may be granted only from dimensional requirements including, but not limited to, lot width, structure, height, per cent of lot coverage and setback requirements.

14.C.2. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

14.C.3. The Board of Appeals shall not grant a variance unless it finds that:

14.C.3.a. The proposed structure or use would meet the provisions of the Ordinance, except for the specific provision which has created the non-conformity and from which relief is sought,

14.C.3.b. The strict application of the terms of this Ordinance would in undue hardship. The term “undue hardship” shall mean:

14.C.3.b.i. That the land in question cannot yield a reasonable return unless a variance is granted,

14.C.3.b.ii. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood,

14.C.3.b.iii. That the granting of a variance will not alter the essential character of the locality, and

14.C.3.b.iv. That the hardship is not the result of action taken by the applicant or prior owner.

14.C.4. Not withstanding **Section 14.C.3.b.** the Board of Appeals may grant a varianceto an owner of a residential dwelling for the purpose of making that dwelling accessible to an individual with a disability who resides in or regularly uses the dwelling. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to egress from the dwelling by the person with the disability. The Board of Appeals may impose conditions on the variance, including limiting the variance to the duration of the disability, or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railings, wall or roof systems necessary for the safety or effectiveness of the structure.

14.C.5. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformity with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

14.C.6. For variances granted in the Shoreland Zone, a copy of each variance request including the application and all supporting materials supplied by the applicant, shall be forwarded by the municipal officers to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to any action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made a part of the record and shall be taken into consideration by the Board of Appeals.

14.D. Appeal Procedure

14.D.1. Making an Appeal

An administrative appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement related matters. Such an appeal shall be made within thirty (30) days of the date of the official, written decision or action to be appealed from, and not

otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the thirty (30) day requirement.
Applications for appeals shall be made by filing the Board of Appeals application with the Board of Appeals and payment of the application fee. Board of Appeals application forms and instructions and the Fee Schedule are available at the Town Office. The application is a written notice of the appeal which includes:

14.D.1.a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

14.D.1.b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

14.D.2. Upon receiving an application for an administrative appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision or action to be appealed.

14.D.3. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty (30) days of its receipt of a complete written application, unless this time period is extended by the parties.

14.D.4. A majority of the full voting membership of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal.

14.D.5. The person filing the appeal shall have the burden of proof.

14.D.6. The Board of Appeals shall decide all administrative appeals and variance requests within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

14.D.7. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the Findings of Facts and Conclusions of Law reached by the Board of Appeals. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant within seven (7) days of the Board of Appeals' decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the Board of Selectmen.

14.E. Appeal to Superior Court

Any aggrieved party may appeal the Board of Appeals' decision to the Superior Court within forty-five (45) days of the date of such decision, pursuant to Rule 80B of the Maine Rules of Civil Procedure.

14.F. Reconsideration

In accordance with 30-A M.R.S.A. §269 (3)(F) the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board of Appeals to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board of Appeals' members, originally voting on the decision and proper notification of the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing. The Board of Appeals may consider additional hearings and receive additional evidence and testimony.

SECTION 15. - REVOCATION OF A PERMIT

15.A. A permit may be revoked only because of administrative error or fraud during the original application process.

15.B. Procedure

Any party, the Board of Selectmen or their appointed agent may present information regarding administrative error or fraud to the Planning Board.

15.B.1. Fraud

15.B.1.a. If the Planning Board determines that a significant fraudulent testimony may have been submitted, it shall hold a noticed public hearing. Notice shall be sent to the applicant and all others to whom notice was required to be sent for the original approval. If, following the hearing the Planning Board determines that there is credible information that the facts submitted in support of the application may be fraudulent, no matter the cause, the Planning Board may forward the request to the Board of Appeals that the permit be revoked.

15.B.1.b. The Board of Appeal shall hold a noticed public hearing following the receipt of a request for revocation from the Planning Board, providing that the Planning Board's request was received within two years of the Planning Board's final decision to approve the subdivision.

15.B.1.c. The Planning Board's Chair or a properly approved representative shall attend the Board of Appeals" hearing and present appropriate evidence as to information submitted to it, its deliberations and subsequent decision. The burden of proof that fraud occurred shall however rest with the party claiming fraud.

15.B.1.d. The Board of Appeals may revoke a permit for a fraud upon finding that:

15.B.1.d.i. The facts presented by the applicant during the approval process were significantly and purposely in error, and

15.B.1.d.ii. Such facts were material to the decision to approve the application, and

15.B.1.d.iii. The availability of the true facts at the time of the application may have caused a denial of the application.

15.B.2. Administrative Errors

Appeal on the basis of administrative error shall be made only by admitted and statutory parties. It shall be made to the Board of Appeals and may only be entertained if the provisions and time frames that apply to an appeal of the decision of the Planning Board are maintained.

SECTION 16- SEVERABILITY

A finding of invalidity or unconstitutionality of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

SECTION 17. – DEFINITIONS Definitions for this Ordinance are found in 30 – A M.R.S.A. Section 4401 and more specifically, any word or term defined in the Town of Westport Island Shoreland Zoning Ordinance or the Town of Westport Island Building Code Ordinance shall have the definition contained in those Ordinances, unless defined differently below. If a conflict in definitions exists among the three town Ordinances and the State Statute, the State definitions shall apply. Other words and terms used in this Ordinance, and not found in the above cited Statute and Ordinances, shall have their customary dictionary meanings as found in the latest Webster New Collegiate Dictionary. Other words and terms used herein are defined as follows:

Abutter: Owners of record of immediately adjacent property; owners of record of property located immediately across a public road or right-of-way.

Appellate Hearing: A Board of Appeals hearing at which only the material which was the basis for the decision or action by the Planning Board is reviewed to determine if the action or decision can be upheld.

Applicant: The person submitting any application under the provisions of this Ordinance including a firm, association, organization, partnership, trust, estate, governmental agency, municipality, company, corporation, two or more individuals having a joint or common interest, or other legal entity, as well as an individual.

Average Daily Traffic (ADT): The predicted number of vehicles that enter and exit the premises during the day, based on the trip generation rates in the latest edition of "Trip Generation" published by the Institute of Transportation Engineers. For a single family detached residence, this rate is 1 peak hour trip.

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

Building Footprint: The area covered by a building measured from the exterior surface of the exterior walls as projected to ground level. Where the building is elevated above grade level, the building footprint is the area the building would cover if it were at ground level. All enclosed permanent portions of the building such as enclosed porches, are included in the building footprint, but decks, steps and open porches are not included.

Central Water Supply System: A system using a single source of water and supplying three (3) or more dwelling units or enterprises.

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent common space, if allowed under current zoning ordinances.

Coastal Wetlands: All tidal and subtidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the highest tide level for the year, as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. Note: All areas below the maximum spring tide levels are coastal wetlands. These areas may consist of rocky ledges, sand dunes and cobble beaches, mud flats, etc. in addition to salt marshes and salt meadows.

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

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this Ordinance, or by a vote by the Planning Board to waive the submission of required information pursuant to **Section 5.B.2.** The Planning Board shall issue a written statement to the applicant upon its determination that an application is complete.

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

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

Conventional Subdivision: A subdivision in which all buildable lots meet or exceed minimum lot size requirements in existing zoning Ordinances.

Curb Cut: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street. A curb cut on a state road requires a state permit.

de novo Hearing: A Board of Appeals hearing in which new information can be admitted, in addition to the record and materials of the decision or action of the Code Enforcement Officer.

Density: The number of dwelling units per acre of land.

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

Driveway: A private vehicular access way serving two lots or less.

Final Plan: The complete set of items required in **Section 6.B. (Minor and Major Subdivisions**) and **Section 7.A (Major Subdivisions only)** describing the proposed subdivision, which are to be submitted to the Planning Board for its review and decision.

Final Plat: The drawing(s) included in the Final Plan, which are described in **Section 8.B.1**. and which are signed by the Board upon Final Plan approval and filed with other recordable documents at the Registry of Deeds.

Final Plat Approval: The last administrative step in the review and approval process before filing at the Registry of Deeds, where the Board reviews all recordable documents to insure consistency with agreements/conditions/covenants set at the Final Plan approval, and signs the Final Plat.

Final Plat Filing: The final drawings (Final Plat) representing the approved subdivision, including any modifications or conditions agreed to as part of the Board's approval of the Final Plan, and all other recordable documents required for filing at the Registry of Deeds.

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas other than forest wetlands, which are: 1) Ten (10) or more contiguous acres, or of less than ten (10) contiguous areas and adjacent to a surface water body excluding any river, stream or brook, such that, in a natural state, the combined surface area is in excess of ten (10) acres, and, 2) inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils, and not considered a part of a coastal wetland, river, brook or stream.

Frontage: That portion of a lot fronting upon and providing rights-of-way access to a public or private road listed on the Schedule of Town Roads on file with the Town Clerk, or to an approved or accepted new right-of-way laid out in accordance with the Subdivision Ordinance, to be measured continuously along a single road line. Owners of lots fronting on two roads shall use the less travelled road for its "frontage". On a corner lot frontage shall be measured to the point of intersection of the extension of the side lines of the roads. The minimum frontage for permitted uses within the Town of Westport Island must be met by contiguous frontage within the Town of Westport Island on an approved or accepted right-of-way in the Town of Westport Island. Alternatively, frontage may be considered to be shore frontage.

Minimum Lot Width: The closest distance between the side lines of a lot. When the two lot side lines extend into the Shoreland Zone, both lot lines shall be considered the side lot lines.

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

Net Residential Area or Acreage: The area of a parcel, which is suitable for development as determined by the Planning Board, shall be calculated by subtracting the following from the total or gross acreage of a parcel:

1. Total acreage that is used for street and sidewalk rights-of-way,
2. Portions of the parcel containing slopes over 35%,.
3. Portions of the parcel shown to be within the 100-year flood plain and floodway as designated on Federal Emergency Agency (FEMA) maps,
4. Portions of the parcel located in the Resource Protection District,
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including but not limited to:
   A. Water table at or near the surface for all or part of the year,
   B. Unstable soils such as Sebago Mucky Peat.

New Structure or Structures: Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion or an existing structure is deemed to be a new structure.

Normal High-Water Line: That line which is apparent from visible markings, changes in the character of the soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high water are considered part of the river or great pond. Note: In the case of tidal waters, setbacks are measured from the upland edge of the "coastal wetland".

100 Year Flood: The highest level of flood that, on the average, has a 1% chance of occurring in any given year.

Party: Owners of record of immediately adjacent property; owners of record of property located immediately across a public road or right-of-way, other property owners who, having shown the Planning Board that their property may be affected by the proposed development under a specific criterion or standard, shall be admitted by the Planning Board with participation limited to that criterion or standard.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Planning Board or Board: The Planning Board of the Town of Westport Island.

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

Public Water System: A water supply system that provides water to at least fifteen (15) service connections or services water to at least twenty-five (25) individuals daily for at least thirty (30) days a year.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. Recreational vehicles are not considered residential dwelling units.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this Ordinance as a reference for unobstructed road visibility. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle.

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

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

Street Classification:

Arterial Street: A major thoroughfare that serves as a major traffic way for travel between and through the municipality. Route 144 from the Westport – Wiscasset Bridge to the north end of West Shore Road shall be considered an arterial street.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes.

Subdivision: The division of a tract or parcel of land as defined in Title 30-A M.R.S.A. Section 4401 et seq. as amended.

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

Subdivision Minor: Any subdivision containing three or four lots or dwelling units, and in which no street is proposed to be constructed.

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.