Town of Waterford, Maine

SUBDIVISION ORDINANCE

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Subdivision Ordinance
Town of Waterford, Maine

SECTION 1. Purpose

The purpose of this Ordinance shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment and to provide for the orderly development of a sound and stable community in a manner consistent with the Comprehensive Plan. The Ordinance also has the purpose of providing uniform procedures and standards for observance by the Planning Board, other officers of the Town and developers in review of subdivisions in the Town of Waterford.

SECTION 2. Authority and Administration

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIIIA of the Maine Constitution and Title 30-A M.R.S.A. Section 3001.

2. This Ordinance shall be known and cited as the Subdivision Ordinance Town of Waterford, Maine.@

3. Upon adoption of this Ordinance, all previous Subdivision Regulations or Ordinance shall be repealed.

B. Administration

1. This Ordinance shall be administered by the Planning Board for the Town of Waterford, Maine, hereafter referred to as the Board.

2. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Waterford, Maine.

3. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not received Board approval and recorded in the Registry of Deeds. No public utility, or any utility company of any kind shall install services to any lot in a subdivision which has not received Board approval and recorded in the Registry of Deeds. A Subdivision Plan recorded without Board approval shall be void. Any person who violates any provision of this Ordinance shall be fined a minimum of $100 and a maximum of $2,500 for each violation.

4. Joint Meetings: If any portion of the proposed subdivision crosses the boundary of an adjacent municipality, the Board may meet jointly with that municipality's Planning Board to review the application. The Planning Boards in each municipality, upon written agreement, may waive the requirement for any joint meeting or hearing as provided for in Title 30-A Section 4003.1-A.

SECTION 3. Pre-application Meeting

Applicants shall schedule a meeting with the Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed subdivision.

A. Submissions

The Pre-application Sketch Plan shall show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a freehand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development.

When a proposed subdivision will encompass ten (10) acres or more or five (5) or more lots, the applicant shall submit sketch plans of both a traditional subdivision layout and open space subdivision/creative design subdivision layout. The sketch plan shall be accompanied by a written narrative of the advantages and disadvantages of both subdivision techniques in relation to the particular site.

The sketch plan for an open space or creative design subdivision will show how the following applicable provisions will be incorporated in subdivision design.

1. The policy of the Town of Waterford to conserve important scenic view locations; and

2. The policy of the Town of Waterford to encourage innovative residential development that conserves forestry and agricultural resources;

3. The parcel's unique features that may include but not be limited to agricultural land, forest land, fields, ridges, stone walls, tree lines, streams, wetlands, wildlife habitat, and scenic views and how such features will be conserved and integrated into the subdivision design.

The Board shall within thirty (30) days of receiving the sketch plan, inform the applicant of their recommendations based on the intent of the comprehensive plan and the nature of the site, which type of subdivision is the most appropriate. This provision shall not be interpreted to grant the authority to the Board to require a particular type of subdivision.

B. Contour Interval and On-Site Inspection

Within thirty (30) days of the pre-application meeting, the Board shall determine and inform the applicant, in writing, of the required contour interval on the development plan and conduct an on-site inspection of the property. . On-site inspections shall not be conducted when there is more than one (1) foot of snow on the ground.

C. Ownership Interest

The applicant will furnish written evidence showing right, title or interest (option, contract for sale, etc.) in the property to be developed to the Planning Board.

SECTION 4. Preliminary Plan

A. The applicant shall submit seven (7) copies of the Preliminary Plan and seven (7) copies of the application for the proposed subdivision as detailed in Section 6 A and B to the Board two weeks in advance of a at a regularly scheduled meeting. The applicant shall notify by mail all abutting property owners including those across a street of the proposed subdivision. Within one calendar month from the date of receipt, the Board shall notify the applicant either that the Preliminary Plan and application are complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the Plan to meet the criteria of Title 30-A M.R.S.A. Section 4404 and the standards of this Ordinance

B. Application Fee

The following fee(s) shall be paid with the submission of any preliminary plan. The Selectmen, upon recommendation for the Board, shall have the authority to revise the fee and the review escrow amount after holding a public hearing.

a. Review fee, $120.00.

b. Review escrow account, $250.00 per lot (or living unit for multiplex development(s) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. Those monies deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

C. The Board shall hold a public hearing on the Preliminary Plan. Regulations for such a hearing shall be according to State Law as provided in Section 7.

D. The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed Preliminary Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30-A M.R.S.A. Section 4404 and to preserve the public health, safety and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the Preliminary Plan does or does not meet the provisions of this Ordinance and Title 30-A M.R.S.A. Section 4404. Approval of the Preliminary Plan in no way commits or binds the Board to approve the Final Plan.

SECTION 5. Final Plan

A. The applicant shall submit the original and three copies of the Final Plan to the Board at a regularly scheduled meeting, within one (1) year from the date of approval of the Preliminary Plan. The Board shall issue a dated receipt to the applicant. The Final Plan shall include all the information requested in Section 6.B., and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and the Final Plan. The Final Plan shall be drawn on white, 20 pound paper embossed with seal and signature of the professional who prepared it suitable for permanent recording in the Oxford County Registry of Deeds. The plan shall also include a register's block no smaller than 3 by 3 inches for recording the county, date, time, plan book and page or file number and register's attest.

B. The Board has the option of holding a public hearing on the Final Plan except the Board shall hold a public hearing for a Final Plan that a municipal service impact analysis required in Section 6.A.20 results in a municipal impact of $200,000 or more. Regulations for such a hearing shall be according to State Law as provided in Section 7.

C. The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received the completed Final Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30-A M.R.S.A. Section 4404, and to preserve the public's health, safety, and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this Ordinance and Title 30-A M.R.S.A. Section 4404.

SECTION 6. Submission Requirements

A. Application

The application form shall be furnished by the Board, filled out by the applicant and shall include the following information: (Items marked with an X shall be required in all instances; items without an X may be required at the discretion of the Board.)

X 1. Name and address of owner.

X 2. Name and address of applicant (if other than owner).

X 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.

X 4. Name of applicants authorized representative.

X 5. Name, address and number of Registered Professional Engineer, Land Surveyor or Planner who prepared the plan.

X 6. Address to which all correspondence from the Board should be sent.

X 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, recorded ownership, etc.)?

X 8. What interest does the applicant have in any property abutting the parcel to be subdivided?

X 9. State whether the subdivision covers the entire or contiguous holdings of applicant.

X 10. Location of property: book and page (from Registry of Deeds).

X 11. Location of property: map and lot (from Assessor's Office).

X 12. Current zoning of property.

X 13. Acreage of parcel to be subdivided.

X 14. Proposed method of sewage disposal and the results of an onsite soil investigation for each lot.

___15. Soils report for entire area.

X 16. Names and mailing addresses of property owners within 500 feet of the parcel to be subdivided.

X 17. Indicate the nature of any restrictive covenants to be placed on the deeds.

X_18. A storm water management plan prepared in accordance with Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection.

X 19. Any portion of the subdivision that is located within the direct watershed of a great pond shall be identified and a phosphorous impact analysis and control plan provided.

__20. A municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Waterford or quasi-municipal districts. This list shall include but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; and fire protection. The applicant shall provide an estimate of the net increase in taxable assessed valuation upon build out of the subdivision.

X 21. The applicant shall notify the Fire Chief, Superintendent of Schools, and Road Commissioner requesting input within thirty (30) days of receiving the notification as to their department's capacity to serve the subdivision. The applicant shall send this notification by certified mail return receipt requested at least fourteen (14) days prior to the hearing. The subdivider shall provide the return receipts to the Board at the hearing.

X 22. The location of scenic sites and view locations as identified in the Waterford Comprehensive Plan.

X 23. The location, names, widths, maintenance responsibility, and conditions of streets- that will be uses to access the subdivision and lots within the subdivision.

___24. A Traffic Impact Study.

X 25. A statement of financial and technical capability.

B. Subdivision Plan

The Subdivision Plan shall be a map of the tract to be subdivided, certified by a Professional Land Surveyor and tied to established reference points. The plan shall not be less than 18" by 24" and shall be drawn to a scale of 1" equals not more than 100'. The Subdivision Plan shall include the following information: (Items marked with an X shall be required in all instances; items without an X may be required at the discretion of the Board.)

	Pre. Plan	**Final Plan**	
1.	X	X	Name of proposed subdivision; location of subdivision; name of subdivider; and signature and embossed seal of a Professional Land Surveyor.
2.	X	X	Lot numbers.

3.	X	X	Date, magnetic north point and graphic map scale.
4.	X	_	Proposed lot lines with approximate dimensions and lot areas and total area of land to be subdivided.
5.	_	X	Proposed lot lines with dimensions, bearings, deflection angles, radii and central angles sufficient to reproduce any line on the ground and lot areas and total area of land to be subdivided.
6.	X	_	Location of temporary markers to enable the Board to locate each lot readily and appraise the basic lot layout in the field.
7.	_	X	Location of permanent markers, both natural and manmade.
8.	X	X	Location of all parcels to be dedicated to public use and the conditions of such dedication.
9.	X	X	Names of abutting property owners and subdivisions. Reference to recorded subdivision plans of adjoining lands by book and page number.
10.	X	X	If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
11.	X	_	Location of all required soils investigation test pits.
12.	X	X	Location and size of existing buildings.
13.	X	X	Suggested location of buildings, subsurface sewage disposal systems and wells.
14.	X	_	Location of all natural features or site elements to be preserved.
15.	X	X	Location of any existing watercourses and other essential existing physical features.
16.	X	_	Location and size of any existing sewers and water mains and other utilities; location and size of culverts and drains.
17.	X	X	Location, names, and widths of existing and proposed streets, highways, easements and rights-of-way.
18.	_	X	Plan profiles and cross-sections for streets, sidewalks and storm drainage facilities.
19.	X	X	A soil erosion and sediment control plan for construction and for permanent control.
20.	X	_	Contour lines at 20-foot intervals (or other interval as specified by the Board).
21.	X	X	Proposed uses of property.
22.	X	X	The location of freshwater wetlands.
23.	X	X	The location of river, stream or brook within or abutting the proposed subdivision.
24.	X	_	The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town of Waterford.
25.	X	X	The location of known or potential/archeological resources, historic buildings or sites unique natural areas and mapped sand and gravel aquifers with a description of how such features will be maintained or impacts upon them minimized.
26.	X	_	Any portion of the subdivision which is located within the direct watershed of a lake or pond shall be identified.
27.	X	X	Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the following example:

Approved by the Town of Waterford Planning Board:

Signed: _____
_____
_____
_____
_____

Date: _____

Conditions _____
_____
_____
_____
_____

28. ___ ___ Other information not indicated above as required by the Board.

SECTION 7. Public Hearing

The Board shall hold a public hearing on the Preliminary Plan of the proposed subdivision. The decision to hold a public hearing on the Final Plan of the proposed subdivision is discretionary, except the Board shall hold a public hearing for a Final Plan that a municipal service impact analysis required in Section 6.A.20 results in a municipal impact of $200,000 or more. The Board shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Subdivision Plan has been received and shall cause notice of the date, time and place of such hearing to be given to the sub divider, and published in a newspaper of general circulation in Waterford at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. Public hearings shall be conducted in accordance with the procedures in Title 30-A M.R.S.A. Section 2691 Section 3 a, b, c, d and e. The applicant shall notify all property owners within five hundred (500) feet of the boundaries of the subdivision by certified mail return receipt requested at least fourteen (14) days prior to the hearing. The subdivider shall provide the return receipts to the Board at the hearing.

SECTION 8. General Requirements

In reviewing an application for subdivision approval, the Board shall consider the following requirements and make a finding that each, in addition to the standards contained in Title 30-A M.R.S.A. Section 4404, have been met prior to final approval. In all instances, the burden of proof shall be upon the applicant.

A. Buffer Strip

The Board shall require a buffer strip, such as natural vegetation, where separation is desirable. Buffers shall be required to preserve downstream water quality, control stormwater, prevent erosion, maintain existing neighborhood aesthetics, preserve and maintain traditional agricultural uses, hunting grounds, and outdoor recreation, to reduce visual impacts of the project, maintain wildlife corridors or habitat, protect nearby drinking water wells, reduce residential noise, or address other concerns brought to the board.

B. Conformance with Other Laws, Regulations

The proposed subdivision shall be in conformance with all pertinent local, state, and federal ordinances, statutes, laws, and regulations. If the proposed subdivision meets the definition of a subdivision as defined in the Site Location of Development Act, Title 38, M.R.S.A., Section 482, the subdivider must secure the approval of the Board of Environmental Protection and the Board before any construction activity may begin in the subdivision.

C. Impact on Community Services and Facilities

Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities. When the Board finds, based on a recommendation of the selectmen and the results of any municipal impact analysis, that municipal services do not have the capacity to provide services to the proposed subdivision, the Board will require one or more of the following.

1. A voluntary payment to the Town of Waterford to mitigate the direct impact to municipal services that has been identified as the consequence the proposed subdivision. Any such payment shall be subject

to the following provisions.

a. The Board, with advice from the Selectmen, shall find that the money offered will mitigate the identified direct impact of the subdivision.

b. The payment shall be held in a reserve account and may only be expended to fund capital improvements agreed to be the applicant and Board to mitigate the identified direct impacts.

c. The payment in all cases shall be expended within five years of collection, unless otherwise agreed upon the Board and applicant.

d. Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest as earned by the Town of Waterford for the period the payment was held by the Town.

2. The applicant will undertake required improvements necessitated by the subdivision.

3. Require phasing of the subdivision or limiting the number of lots that can be developed at any one time to allow the expansion of municipal services over time.

4. Deny the Subdivision.

D. Lots

The lot size shall be in conformance with the following dimensional requirements.

1. A minimum lot size of 2 acres shall be required for each dwelling unit. Each lot shall have at least 200 feet of frontage facing any street. Lot size and shore frontage for lots located in the Shoreland Zone shall comply with the Town of Waterford Shoreland Zoning Ordinance. Minimum lot size shall not include mapped wetlands.

2. No part of any structure shall be built within 25 feet of any lot line or within 50 feet of any edge of a street right-of-way.

3. There shall be a minimum area of 50 feet of shoreland frontage by 200 feet in depth of common shore area for each lot or residential dwelling unit which has access to the common area and for each right of use granted to the common area. Shore frontage shall be measured in a straight line between the points of intersection of the side lot lines. Depth shall be measured from the Normal High Water Line.

E. Lot Access

1. Any proposed subdivision shall be so designed that every lot has access to a public or privately owned street.

2. Driveway Entrances: Subdivisions with lots fronting on existing public streets shall minimize the number of driveways entering such streets. The Board shall require shared driveways, marginal access streets or other acceptable techniques to limit the number of driveway entrances.

F. Open Space Provisions

1. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation and graded contours.

2. The Board may require that the subdivider reserve an area of land as an open space and/or recreational area for use by property owners in the subdivision.

a. If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance and taxes shall be met.

b. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:

1) The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.

2) If appropriate, the individual property owner's pro rata share of development costs, maintenance cost and property taxes of the reserved land.

c. Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designated for later development if the Subdivision Plan includes provision for development in discrete stages.

d. Any area designated for common use shall be so arranged that each property owner has access to it.

G. Storm Drainage

Adequate provision shall be made for disposal of all storm water generated within the subdivision through a management system of ditches, swales, culverts, underdrains, and/or storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

1. All components of the storm water management system shall be designed to meet the criteria of a 50-year storm.

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

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

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

H. Phosphorous Export

Phosphorus, a natural nutrient, stimulates algal growth that causes a significant decline in water quality. The primary source of new and increasing phosphorus loads in Maine lakes is development-residential, commercial, and industrial. Its impact on water quality is permanent. The following phosphorus control measures were created and designed to address this concern.

1. Subdivisions proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below.

Table 1

Post Development Phosphorous Export by Watershed

Lake Name	Lake Protection Level	Lake Load Allocation (lbs/ppb/yr) [1]	Allowable Phosphorus Export Per Acre(Pounds)
Bear Pond	High	62.22	.049
Bog Pond (Mud)	Medium	3.13	.061
Cabbage Yard Pond	Medium	1.54	.031
Crystal Lake	High	19.11	.117
Duck Pond	High	2.97	.026
Highland Lake	High	0.63	.037
Island Pond	High	6.30	.038
Jewett Pond	High	3.41	.036
Keoka Lake	High	42.88	.039
Little Moose Pond	High	11.28	.048
Long Lake	High	17.70	.047
McWain Pond	High	31.53	.044
Middle Pond	High	0.39	.062
Mud Pond	Medium	13.23	.042
Papoose Pond	High	2.20	.069
Sebago Lake (Including Crooked River)	High	394.82	.079
Speck Pond 1	Medium	0.06	.075
Speck Pond 2	Medium	0.24	.075
Stearns Pond	High	5.40	.061

[1] The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

[2] The Board shall keep an accurate record of subdivision approvals granted by watershed using an appropriate record keeping system, and shall review actual development rates and may recommend adjustments to the table. The Board may seek guidance from the Lakes Environmental Association in making such adjustments.

2. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development@ (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended).

Copies of all worksheets and calculations shall be shall be submitted to the Planning Board.

3. Phosphorus control measures shall meet the design criteria contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.
4. All new subdivisions in Waterford will treat their phosphorus export on site using the methodology outlined in Section 8, H 2 above. Due to the rural nature of Waterford, off-site phosphorus compensation will not be allowed.

I. Construction in Flood Hazard Areas

When any part of a subdivision is in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

J. Streets

1. Off site streets serving a proposed subdivision shall be in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision. In making a determination that off site streets serving a proposed subdivision are in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision the Board shall consider the following.

    a. Residential subdivisions that will gain access via public streets or public easements closed to winter maintenance shall be prohibited unless the subdivider shall finance the cost of the necessary improvements to make the street or public easement suitable for winter maintenance. Such improvements shall be made by the Town or a contractor selected by the Town. The Board shall base the needed improvements upon the recommendation of the Inspecting Official.

    b. Lots in residential subdivisions that will gain access via public roads or private roads that are deem by the Inspecting Official to not have adequate capacity to carry traffic associated with the proposed subdivision shall be prohibited unless the subdivider undertakes the necessary improvements to make the street suitable for the anticipated traffic. In determining adequate capacity the inspecting Official shall consider provisions for two way traffic, safe access by emergency vehicles and all season use. The Board shall base needed improvements to provide adequate capacity upon the recommendation of the Inspecting Official. This Section shall not be interpreted to require improvements to comply with Section 8.J.4.

2. Design of proposed streets whether public or private shall be in harmony and conformance with existing and proposed streets. Street patterns shall give due consideration to contours and natural features. Every proposed street, public or private, in a subdivision shall be laid out and constructed as required by the standards contained in Sections 2, 3, 4, 5, and 6 below. Specific site conditions may warrant alterative designs.

    a. Existing Streets Extended: Existing streets shall be extended at the same or greater width and in no case shall they be extended at less than the original width.

    b. Street Names: Street names require the approval of the Board of Selectmen. Streets that are obviously in alignment with streets already existing and named, shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

    c. Intersections: All street intersections shall be at angles as close to ninety (90°) degrees as possible. In no instances shall street intersections be at an angle less than sixty (60°) degrees.

    d. Curb Line Radius: The curb line radius at street intersections shall be at least 25 feet. Where the angle of the street intersects is less than ninety (90°) degrees, a longer radius may

be required.

e. **Deadend or Culdesac Streets:** Deadend or culdesac streets shall be provided at the closed end with a turnaround having a property line radius of at least 60 feet with an outside pavement radius of at least 40 feet.

f. **Drainage:** Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, underdrains, and/or storm water drainage systems. Provisions must be made for natural watercourses.

g. **Catch Basins:** Catch basins (of standard design) shall be built where necessary and culverts of proper size and capacity will be installed at all watercourses with necessary headers.

h. **Culverts:** Culverts will be galvanized, corrugated steel, concrete, aluminum or plastic. Culverts shall be sized to accommodate anticipated flows, but in no case shall be less than fifteen inches in diameter. Developers shall confer with the Road Commissioner regarding anticipated culvert flow in all cases.

i. **Slopes and Ditches:** Slopes and ditches shall slope away from the shoulders of the street at a ratio of at least three (3) horizontal feet to one (1) foot vertical and never steeper than 2 to 1. In cases where this is not possible or practical as where the street cuts through the side of a hill, all cuts shall be made so that adjacent slopes will not slide. The tops and sides of all cuts shall be cleared of all trees, stumps and boulders for an adequate distance so as to prevent such material from sliding into the ditches. Banks will be loamed, seeded and mulched.

Ditches shall be a minimum of 30 inches deep and all ditches on slopes of 10% or greater shall be constructed with a stone center of at least 5 feet wide or paved with 2 2 inches of hot bituminous pavement, to a point at least 6 inches above maximum flow line planned for the ditch. Stone centers shall be designed in accordance with the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices, Cumberland County SWCD and Maine Department of Environmental Protection, March 1991.

j. **Sidewalks/Bicycle Lanes:** The Planning Board shall have the authority to designate whether sidewalks and/or bicycle lanes shall be required.

k. **Utilities:** Longitudinal runs of water and/or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the street or way without obstructions by poles or appurtenances.

l. **Grades, Intersections, and Sight Distances**

1) Grades of all streets shall conform to general to the terrain so that cut and fill is minimized while maintaining the grade standards above.

2) All changes in grade shall be connected by vertical curves to provide for the minimum site distances below.

3) Where new street intersections or driveway curb-cuts are proposed, site distances, as measured along the street onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 2 feet above the pavement and the height of object 4 1/4 feet.

Posted/Legal Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance (Feet)	155	200	305	360	425	495	570

Where necessary, corner lots shall be cleared of all growth and site obstructions including ground excavation to achieve the required visibility. Where such clearing is required, it shall be identified on the Final Plan with a condition of approval identifying its maintenance responsibility

m. Privately Owned Streets

1) Maintenance. The subdivider shall demonstrate to the satisfaction of the Board that the private street will be properly maintained.

2) Deed Restriction. The subdivider shall cause each property deed to clearly state that the street is a private street, and the Town of Waterford will not be responsible for maintaining or plowing.

3) Plan Condition. The recorded subdivision plat shall clearly state that such street is private.

3. Classification of Streets: In all new subdivisions, streets shall be classified as provided in Subsection d.

a. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.

b. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.

c. Whenever a subdivision street continues on an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

d. The classification of streets shall be as follows.

1) **Local.** A street whose function is to provide access to abutting properties. A local street shall not be allowed when the Average Daily Traffic (ADT) volume will exceed 500. Local streets shall be designed to exclude external through traffic which has neither origin nor destination on the local street or on its tributary minor streets.

2) **Collector.** A street whose principle function is to carry traffic for residential streets to higher order streets. Average Daily Traffic (ADT) shall not exceed 3,000. If the street exceeds 3,000 ADT, the municipality upon recommendation from an engineer shall determine the required design standards.

3) **Other Streets.** Streets proposed to service uses such as retail, office or industrial shall be designed by a Professional Engineer based upon detailed traffic analysis.

4. Construction Standards

Item	**Collector**	**Local**
a. Minimum width of rightofway	60 ft.	50 ft.
b. Minimum width of pavement	24 ft.	18ft.
c. Minimum grade	.5%	.5%
d. Maximum grade	8%	12%[1]
e. Maximum grade at intersections	3% within 75 ft. of intersection	
f. Minimum angle of intersections	60°	60°
g. Width of shoulders (per shoulder)	5 ft.	3 ft.

h. Minimum center line Radii on curves	200 ft.	150ft.
i. Minimum tangent length between reverse curves	200 ft.	100 ft.
j. Street base (minimum)	27 in.	18 in.
Subbase	24 in.	12 in.
Upper base	3 in.	6 in.
k. Paving	3 in.	2 1/2 in.
l. Street crown (minimum)	1/4"/1'	1/4"/1'
m. Sidewalks (where required)	4'	4'
n. Property line radii (intersections)	15 ft.	10 ft.

o. Travel surfaces of all streets constructed on slopes over 12% shall be paved with 21/2 inch of hot bituminous pavement.

p. Any privately owned street serving five and fewer dwellings shall not require paving. Privately owned streets, constructed after the effective date of this Ordinance, serving six or more dwellings shall require maintenance up to Town Standards.

q. Curb radii at inter-sections (90°)	25 ft.	25 ft.
Less than 90° inter sections	30 ft.	30 ft.
r. Minimum distance between intersections	200 ft.	200 ft.

[1]12% except that maybe up to 14% for no more than 300 feet per street if paved.

5. Bases and Pavement

a. Sub-base

The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances meeting MDOT specification 703.06(d) for type D gravel.

b. Upper Base

The Aggregate Upper Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances meeting MDOT specification 703.06(a) for type A gravel.

c. Pavements

Pavement shall be a Hot Bituminous State of Maine Approved Mix.

6. Gravel Surface Streets: The Selectmen, with advice from the Road Commissioner and Board, shall review requests for gravel surfaced streets. In reviewing requests for gravel surfaced streets, the following requirements shall be met, in addition to all other design standards.

a. The area has a low development density. Lots of more than 2 acres in size and less than 20 lots per development.

b. Dust from the street surface will not adversely affect adjacent properties.

c. The surface materials must support the traffic loads without detrimental deformation.

d. The surface materials must be capable of withstanding the abrasive action of traffic.

e. The surface materials shall shed rain which falls on the surface.

f. The surface material shall possess capillary properties in amounts sufficient to replace the moisture lost by surface evaporation.

7. Inspection

a. Notification of Construction: At least five (5) days prior to commencing street construction the applicant shall.

1) Notify the selectmen in writing of the time proposed to commence construction so that the selectmen can arrange for inspection to be made. The inspecting official shall assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completion of improvements required by the Planning Board.

2) Deposit with the selectmen a check for the amount of 2% of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and improvements.

b. Noncompliance With Plan: Upon finding that the improvements have not been constructed in accordance with the approved plans and specifications, the inspector shall so report in writing to the selectmen, Planning Board, Code Enforcement Officer and applicant. The selectmen shall take any steps necessary to assure compliance with approved Plans.

c. Modification During Construction: If at any time it appears necessary or desirable to modify the required improvements before or during construction of the of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the selectmen, Planning Board and Code Enforcement Officer. Revised plans shall be filed with the Planning Board for the record. For major modifications, such as relocation of rights-of-way, changes in grade by more than 1%, etc the applicant shall submit to the Planning Board an amended application for review and approval.

K. Open Space Subdivisions

1. It is the policy of the Town of Waterford to encourage the development of open space subdivisions in order to preserve a sense of space, provide for, agriculture, forestry, and recreational land uses, preserve other resources identified in the Town of Waterford Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural and village landscapes of Waterford.

This standard is intended to implement that policy by providing incentives that afford flexibility in street and lot layout and design and street frontage requirements to the landowner. It also allows the Board to reduce certain otherwise applicable standards and provisions of this Ordinance if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing development and environmental design that will promote the most appropriate use of land, preservation of permanent open space, or agricultural land, forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

2. An open space subdivision achieves the purposes of this performance standard by reducing the lot

size, frontage and setback requirements. It locates housing and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, agricultural, forest, and other open space resources. These resources are then permanently preserved by covenants and restrictions or conservation easements.

3. Pre-application Procedure

Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a plan that shows the development design for the entire parcel.

4. Application Procedure

Required Plans: The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision.

5. General Requirements

In Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance.

a. Allowable Density

1) Allowable density shall be based upon one of the following methods as determined by the applicant:

a) Net residential density to find the buildable area is calculated in the following manner: Determine the net residential acreage of the parcel by taking the total area of the parcel and subtracting in order the following:

(1) area in proposed rights-of-way;
(2) area of two (2) or more contiguous acres with sustained slopes of twenty (20) percent and greater;
(3) area of all mapped wetlands, including those identified as Class I, II and III under the Natural Resource Protection Act;
(4) area shown to be in floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and
(5) area of the lot covered by surface waters.

Then divide the buildable area by the minimum lot size required.

a) Simplified method, which is calculated in the following manner: Determine the number of allowable dwelling units by taking sixty-five (65) percent of the total lot area divided by the minimum lot size requirement.

b) The Board may grant a density bonus of one (1) lot or dwelling unit of each ten (10) lots or dwelling units when it makes a written finding that the open space subdivision satisfies the policies of the comprehensive plan.

6. Layout and Siting Standards

In planning the location and siting of residential structures in an open space subdivision, priority should be given to the preservation of the open space for its natural resource value. Human habitation activity should be located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles

as applied to a particular site.

a. Upon soils least suitable for agricultural use and in a manner that maximizes the useable area remaining for the designated open space use. Where agricultural, forestry, or recreational, whether existing or future uses, are particularly targeted for preservation;

b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland in order to reduce encroachment upon agricultural soils and to enable new residential development to be visually absorbed by natural landscape features;

c. In such manner that the boundaries between residential lots and active agricultural use, commercial forest land, and/or wildlife habitat are well-buffered by vegetation, topography, or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses;

d. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;

7. Space Standards

a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required.

b. The required minimum lot area per dwelling unit may be reduced to one acre. Each lot shall contain a minimum of 0.5 acre of land area that does not include 100-year floodplains, areas of two (2) or more acres of sustained slopes greater than twenty (20) percent, or wetlands as defined by the Natural Resource Protection Act. The Board shall require the land area to be designated as open space be equal to or exceed the area of land resulting from the reduction in individual lot area.

c. Minimum street frontage requirement of 200 feet may be reduced by the Board provided that:

1) Any applicable provision regarding streets in Subsection 8 below are satisfied;

2) Adequate access and turn-around to and from all parcels by emergency vehicles can be ensured by private streets and/or common driveways; and

3) The reduction in street frontage is part of the overall project design and meets the purposes contained in Section 8.K.1 and 2.

d. A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design, provided that:

1) The front and rear setbacks shall be no less than twenty-five (25) feet.

2) The reduction in setbacks are part of the overall project design and meets the purposes contained in Section 8.J.1 and 2.

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

8. Streets

The Board shall require private streets to comply with the design standards set forth in Section 7, except as provided in Subsection a below.

a. Travelways and shoulders of privately-owned streets and common driveways within open space subdivisions shall meet the following minimums:

1) Common driveways serving two (2) or fewer dwelling units: Twelve (12) foot travel way.

2) Streets serving three (3) to ten (10) units: Sixteen (16) foot travel way and four (4) foot shoulders.

3) Streets serving eleven (11) to fifty (50) units: Twenty (20) foot travel way and four (4) foot shoulders.

9. Open Space Requirements

In Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Ordinance.

a. Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, agricultural land, forested acreage, wildlife habitat and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

1) On parcels that contain significant portions of land suited to agriculture or commercial forestry, open space shall be preserved for agricultural or forestry, other compatible open space uses such as wildlife habitat, recreation (active or passive), and resource conservation.

2) When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.

b. Notations on Plan. Open space, common lands, streets or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

c. Ownership of Open Space Land. Open space land may be held in private ownership; or owned in common by a Homeowners' Association (HOA); transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Planning Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in section. The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

10. Homeowners Associations or Agreements

Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by a Homeowners' Association (HOA) or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, street or open space shall be approved by the Board and included in the deed for each lot.

L. Campground Conversion

A campground conversion shall be considered a subdivision under this Ordinance and shall meet all the requirements of this Ordinance including lot size.

M. Mobile Home Parks

1. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of this Ordinance, the provisions of this section shall prevail.

2. Lot Area and Lot Width Requirements: Notwithstanding the dimensional requirements located in

Section 7 of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.

a. Lots served by individual subsurface waste water disposal systems:

Minimum lot area:	1 acre.
Minimum lot width:	100 ft.
Minimum front setback	50 ft.
Minimum side and rear setback	25 ft.

b. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:

Minimum lot area:	0.5 acre
Minimum lot width:	75 ft.
Minimum front setback	50 ft.
Minimum side and rear setback	15 ft.

c. The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 sq.ft. of total park area.

d. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

e. No lot in a mobile home park may have vehicular access directly onto an existing public street, unless a new street is constructed to town standards to serve the mobile home park and accepted as a public street.

3. Street Design, Circulation and Traffic Impacts: Streets within a park shall be designed by a Professional Engineer, registered in the State of Maine.

a. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in Section 8.N. of this Ordinance.

b. Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.
   1) Minimum right-of-way width: 23 feet
   2) Minimum width of traveled way: 20 feet

c. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public streets, other streets within the park or other streets shown on an approved subdivision plan.

d. The intersection of any street within a park and existing public street shall meet the following standards.

   1) **Angle of Intersection.** The desired angle of intersection shall be 90□. The minimum angle of intersection shall be 85□.

   2) **Maximum grade within 75 feet of intersection.** The maximum permissible grade within 75 feet of the intersection shall be 2%.

   3) **Minimum Sight Distance.** The minimum sight distance shall comply with Section 8.J.2.l.

   4) **Distance from Other Intersections.** The center line of any street within a park intersecting an existing public street shall be no less than 125 feet from the center line of any other street intersecting that public street.

4. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or

conditions of approval.

a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within the park.

N. Protection of Significant Wildlife Habitat

Applicants proposing to subdivide land in or within seventy-five (75) feet of significant wildlife resources or fisheries habitats identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Planning Board. A survey of significant vernal pools will be conducted on any proposed projects with mapped wetlands during the appropriate time of year for vernal pool assessment The Board shall consider any recommended measures provided to minimize impacts on such habitats. Any conditions to the approval to wildlife or fisheries habitat preservation shall appear on the plan and as deed restrictions to the effected lots.

O. Scenic Locations

The Board shall consider the existence of a scenic site or view location as identified in the Town of Waterford Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations so to minimize the negative impacts of the subdivision on such sites and views.

P. Archaeological Sites

Any proposed subdivision activity involving structural development or soil disturbance on, or adjacent to, sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Board, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least 20 days prior to final approval in the case of a minor subdivision or preliminary approval of a major subdivision by the Planning Board.

The Board shall consider comments received from the Commission prior to rendering a decision on the application.

Q. Endangered and Threatened Plants

The Board shall consider the existence of endangered or threatened plants as may be identified by the Maine Natural Areas Program. As a condition of approval, the Board may require the applicant to undertake protective measures as recommended by the Maine Natural Areas Program.

R. Multi-Unit Dwellings

Subdivision of multi-unit dwellings shall comply with the following.

1. It shall be the responsibility of the owner or owners to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six feet in height.

2. A 25-foot landscaped or natural vegetative buffer shall be provided and maintained along all property boundaries.

3. Access, Circulation and Parking

   a. The proposed development shall provide for safe access to and from public or private streets. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distances, intersections, schools, and other traffic generators. All corner lots shall be kept clear from visual obstructions.

   b. The proposed development shall not have an unreasonable adverse impact on the public street system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turn-around areas.

4. Recreation and Open Space

All multi-family developments of six dwelling units or more shall provide an active recreation area no smaller than 5,000 sq. ft. Any development in which occupancy is restricted to the elderly need not provide play area, an active recreation area but space shall be provided that is handicapped accessible for outdoor recreation and walking.

S. Exterior Lighting

Exterior lighting shall provide for security, safety and operational needs. Exterior lighting shall be designed to minimize glare that creates hazards to vehicle traffic, light trespass onto adjacent properties or night sky glow. Fully shielded or hooded exterior light fixtures shall be used.

T. Is in conformance with the Comprehensive Plan for the Town of Waterford, Maine, and the town of Waterford Ordinances.

SECTION 9. Waivers

A. Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular plan, it may waive any provision of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Waterford Comprehensive Plan, or any other ordinance or law.

B. In granting any waiver, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

SECTION 10. Performance Bond

A. Prior to approval of a Final Plan, the Board may require that the subdivider file with the Board a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Town of Waterford, or a performance bond running to the Town of Waterford and issued by a surety company acceptable to the Town of Waterford. The conditions and amount of such certified check or performance bond shall be determined by the Board of the municipality with the advice of the various municipal officers concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified on the plan within two years of the date of the certified check or performance bond.

B. The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.

C. Before a subdivider may be released from any obligation requiring his guarantee of performance, the Board will require certification from the various municipal officers to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (state, federal and local codes, ordinances, laws and regulations).

D. Upon approval of the Final Plan, the Board may, at its discretion, waive the requirements of a performance bond, under the condition that no lot in the subdivision may be sold and no permit shall be issued for construction of any building on any lot in the subdivision until it shall have been certified in the manner set forth in paragraph C above, that all improvements have been made. The Board shall set a reasonable completion date for said improvements, and approval of a Final Plan shall be voided if said improvements are not completed within the specified time. The Board may, upon request from the subdivider, extend the completion date. The Board shall have the option of holding the approved Final Plan until all improvements are completed in accordance with Section 8.

SECTION 11. Plan Revisions After Approval

No changes, erasures, modifications or revisions shall be made in any Subdivision Plan after Final Plan approval has been given by the Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Board approves any modifications. In the event that the Subdivision Plan is recorded without complying with

this requirement, the plan shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Selectmen and the Registry of Deeds.

SECTION 12. Initiation and Completion of Development

A. If construction of the public improvements are not begun within two years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplication for approval may include information submitted in the initial application by reference.

B. If construction of the public improvements are not completed within three years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not completed and the reasons why the applicant will be able to complete the activity within a specific period from the granting of a new approval, if granted. Reapplication for approval may include information submitted in the initial application by reference.

SECTION 13. Violations and Enforcement

A. No plan of a division of land that would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.

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

C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than $100, and not more than $2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party. The Selectmen, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. In considering the terms of any administrative consent agreement the Selectmen shall consult with the Board. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

D. Utility installations, ditching, grading or construction of streets, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision Final Plan has been approved and endorsed as provided for by this Ordinance.

SECTION 14. Appeals

An appeal may be taken within thirty (30) days from the Board's final decision on the Preliminary or Final Plan by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

SECTION 15. Validity, Effective Date and Conflict of Ordinances

A. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.

B. This Ordinance shall take effect and be in force from and after the date of its official adoption.

C. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulations, bylaw, permit or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.

SECTION 16. Amendments

This Ordinance may be amended by a majority vote of the annual Town Meeting. Amendments may be initiated by a majority vote of the Board or by request of the Board of Selectmen to the Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Board shall conduct a public hearing on any proposed amendment.

SECTION 17. Definitions

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

Arterial Street. A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Open Space Subdivision. A subdivision or development where lot sizes are reduced in return for the provision of permanent open space. The development may contain one or more multifamily dwellings, two or more duplexes, or three or more singlefamily dwellings.

Campground Conversion: The changing of ownership characteristic from a person, firm or corporation that operates the campground to ownership by campground users that creates individual lots or rights of use through condominium ownership or similar ownership.

Common Driveway: A vehicle access way serving two lots or dwellings.

Creative Design Subdivision Layout: A subdivision layout that considers the natural and cultural features of the parcel to be developed and the intent of the Town of Waterford Comprehensive Plan. Design elements may include but not be limited to set aside of open space, conservation easements, building envelopes, and setbacks.

Direct Watershed of Lake or Pond: Any land area that contributes stormwater runoff either by direct surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

Driveway: A vehicle access way serving one lot or dwelling.

Farm Road: A route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and use primarily for farming activities, including crop management and harvesting.

Freshwater Wetland: Means fresh water swamps, marshes, bogs and similar areas which are:

1. 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

2. Not considered part of great pond, coastal wetland, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

Historic Building/Site: Building and sites on the National Register of Historic Places, identified as of historic importance in the Waterford Comprehensive Plan or in the publication Oxford County, Maine A Guide to Its Historic Architecture, Randall H. Bennett. Oxford County Historic Survey, 1984.

Inspecting Official: An individual appointed by the Selectmen in inspects streets during construction.

Lot Line: A line of record bounding a lot that divides one lot from another lot.

Lot Line, Front: The lot line separating a lot from the street right-of-way.

Lot Line, Rear: The lot line opposite and most distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Logging Road: A route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and use primarily for forest management activities, including associated log yards and winter haul roads.

Manufactured Housing Unit: Structures, transportable in one or more sections which were constructed in a

manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

Multi-Unit Dwelling: A structure containing three or more dwelling units being designed exclusively for residential use and occupancy.

Open Space Subdivision Layout: A subdivision or development where lot sizes are reduced in return for the provision of permanent open space. The development may contain one or more multifamily dwellings, two or more duplexes, or three or more singlefamily dwellings.

Privately Owned Street: A street not maintained by the Town of Waterford and/or State of Maine

Public Street: A street maintained by the Town of Waterford and/or State of Maine.

River, stream or brook means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
2. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
3. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.
5. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Setback: The horizontal distance from a lot line or street right-of-way to the nearest part of a building or structure.

Street: A vehicular way providing access to three or more lots or dwellings. The term does not include driveways, common driveways, farm roads or logging roads.

Street Right-of-Way: A strip of land acquired by fee simple, reservation, dedication, prescription, or condemnation. The total width of the land area within which a public or private street is located or to be located. (NOTE: For the purpose of establishing building and other improvement setbacks, setback distances shall be measured from the outer most right-of-way limit, NOT the edge of traveled-way or pavement.)

Subdivision: A subdivision shall mean the division of a tract or parcel of land as defined in Title 30-A M.R.S.A. Section 4401 and as hereafter amended.

Traditional Subdivision Layout: A subdivision design that creates individual lots without common open space or consideration of the parcel=s natural features.