

**SUBDIVISION ORDINANCE**  
**OF THE**  
**PLANNING BOARD**  
**OF**  
**SEDGWICK, MAINE**

**SUBDIVISION ORDINANCE OF THE PLANNING BOARD  
OF SEDGWICK, MAINE**

**CONTENTS**

<b>SECTION</b>	<b>I</b>	<b>PURPOSES</b>
<b>SECTION</b>	<b>II</b>	<b>AUTHORITY AND ADMINISTRATION</b>
<b>SECTION</b>	<b>III</b>	<b>DEFINITIONS</b>
<b>SECTION</b>	<b>IV</b>	<b>PREAPPLICATION</b> <b>A. Procedure</b> <b>B. Submissions</b>
<b>SECTION</b>	<b>V</b>	<b>REVIEW AND APPROVAL OF MINOR SUBDIVISIONS</b> <b>A. General</b> <b>B. Procedure</b> <b>C. Submissions</b>
<b>SECTION</b>	<b>VI</b>	<b>REVIEW AND APPROVAL OF MAJOR SUBDIVISIONS</b> <b>SUBSECTION I: Preliminary Plan</b> <b>A. Procedure</b> <b>B. Submissions</b> <b>SUBSECTION II: Final Plan</b> <b>A. Procedure</b> <b>B. Inspection of Required Improvements</b> <b>C. Submissions</b> <b>D. Final Approval and Filing</b> <b>E. Plan Revisions After Approval</b> <b>F. Public Acceptance of Streets and Recreation Areas</b>
<b>SECTION VII</b>		<b>ENFORCEMENT</b>
<b>SECTION VIII</b>		<b>GENERAL REQUIREMENTS</b> <b>A. Plan to Conform to Comprehensive Plan</b> <b>B. Relationship to Community Services</b> <b>C. Retention of Proposed Public Spaces</b>

- D. Preservation of Natural and Historic Features**
- E. Land not Suitable for Development**
- F. Blocks**
- G. Lots**
- H. Easements for Natural Drainage Ways**
- I. Utilities**
- J. Additional Requirements**
- K. Required improvements**

<b>SECTION</b>	<b>IX</b>	<b>DESIGN STANDARDS</b>
		<b>A. Monuments</b>
		<b>B. Street Signs</b>
		<b>C. Streets</b>
		<b>D. Sidewalks</b>
		<b>E. Water Supply</b>
		<b>F. Sewage Disposal</b>
		<b>G. Surface Drainage</b>
<b>SECTION</b>	<b>X</b>	<b>RELEASE OF GUARANTY CHECK OR BOND</b>
<b>SECTION</b>	<b>XI</b>	<b>VARIANCES AND WAIVERS</b>
<b>SECTION</b>	<b>XII</b>	<b>APPEALS</b>
<b>SECTION</b>	<b>XIII</b>	<b>SEPARABILITY AND EFFECTIVE DATE</b>
<b>SECTION</b>	<b>XIV</b>	<b>PUBLIC NOTIFICATION</b>
<b>SECTION</b>	<b>XV</b>	<b>COMPLIANCE WITH NATIONAL FLOOD INSURANCE PROGRAM</b>
<b>SECTION</b>	<b>XVI</b>	<b>CERTIFICATION OF COMPLIANCE</b>
<b>SECTION</b>	<b>XVII</b>	<b>TRUST ACCOUNT FEE</b>

## **SUBDIVISION ORDINANCE OF THE PLANNING BOARD OF SEDGWICK, MAINE**

### **SECTION I: PURPOSES**

- A. The purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Sedgwick, Maine, the Planning Board shall consider the following criteria and before granting approval shall affirmatively determine that the proposed subdivision:**
- 1. Will not result in undue water or air pollution. In making this determination it shall at least consider: the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste 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 resources regulations;**
  - 2. Has sufficient water available for the reasonably foreseeable needs of the subdivision, including adequate water supply for fire control;**
  - 3. Will not cause an unreasonable burden on an existing water supply if one is to be utilized;**
  - 4. Will not cause an unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;**
  - 5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;**
  - 6. Will provide for adequate sewage waste disposal;**
  - 7. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;**
  - 8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;**
  - 9. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;**
  - 10. The subdivider has adequate financial and technical capacity to meet the above stated Ordinance; and**

11. Whenever situated, in whole or in part, within 250 feet of any pond, lake river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

**SECTION II: AUTHORITY AND ADMINISTRATION**

**A. AUTHORITY**

1. This Ordinance has been prepared in accordance with the provisions of Title 30 M.R.S.A., Chapter 454, Section 4956.
2. This Ordinance shall be known and may be cited as “Subdivision Ordinance of the Planning Board of the Town of Sedgwick, Maine.”

**B. ADMINISTRATION**

1. The Planning Board of the Town of Sedgwick, hereinafter called Board, shall administer this Ordinance.
2. The provisions of this Ordinance shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Sedgwick.

**SECTION III: DEFINITIONS**

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

1. **Block** A lot or groups of lots bounded all sides by lot lines, streets, town lines, or other rights-of-way.
2. **Comprehensive Plan or Policy Statement** Any part or element of the over-all plan or policy for development of the Town as defined in Title 30 M.R.S.A. Chapter 239, Section 4961.
3. **Construction Drawings** Means drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground power ducts and underground telephone ducts, pavements, cross section of street, miscellaneous structures, etc.
4. **Easement** The authorization of a property owner for the use by another, and for a specified

- purpose, of any designated part of his property.
5. **Engineer** Municipal Engineer or consulting engineer licensed by the State of Maine.
  6. **Final Subdivision Plan** The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, must be filed for record with the Municipal Clerk and County Registry of Deeds and must comply with all requirements of Section VI, Subsection II, D.1 of this ordinance.
  7. **Legislative Body** Special or regular Town Meeting.
  8. **Lot** Any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clear separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single family residence, not intended for human occupancy. Included under this definition of lot would be apartments, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.
  9. **Municipality** Town of Sedgwick, Maine
  10. **Official Map** The map adopted by the Municipality showing the location of public property, ways used in common by more than 2 owners of abutting property, and approved subdivision; and any amendments thereto adopted by the Municipality or additions thereto resulting from the

- approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.
11. **Official Submittal Date** The time of submission of a Preapplication Plan, Final Plan for Minor Subdivision, Preliminary Plan for Major Subdivision or Final plan for Major Subdivision shall be considered the submission date at a regular meeting of the Board of the application for such Plan approval to the Board, complete and all data required by these Ordinance.
12. **Person** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
13. **Planning Board** The Planning Board of the Municipality created under Title 30, M.R.S.A. Chapter 201-A, Section 1917.
14. **Preliminary Subdivision Plan** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.
15. **Resubdivision** The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.
17. **Subdivision** A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5 year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by

blood, marriage or adoption, unless the intent of such gifts is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of said first 2 lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a 3<sup>rd</sup> lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least 5 years prior to such 2<sup>nd</sup> division. Lots of 40 or more acres shall not be counted as lots. For the purposes of this section, a tract or parcel of land is defined as 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.

- 18. **Subdivision, Major** Any subdivision containing more than four (4) lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.
- 19. **Subdivision, Minor** A subdivision containing not more than four (4) lots.
- 20. **Vacation of Subdivision** Withdrawal of previously approved Subdivision.

**SECTION IV: PREAPPLICATION**

- A. **Procedure**
  - 1. In order that the Planning Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be employed on topographic maps and grading plans for the subdivision, the subdivider shall arrange



for a joint inspection of the site with the Planning Board or a committee, member, or individual appointed by the Chairman to act as the Board's representative for such inspection.

2. At the time of the preapplication inspection, the subdivider shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its determinations.
3. After such preliminary inspection, the Planning Board shall have 30 days plus the number of days until the next regular meeting to inform the subdivider in writing of the contour interval which will be required for his subdivision plan; and will classify the Sketch Plan into one of two categories as defined herein.
  - a. MINOR SUBDIVISION; or
  - b. MAJOR SUBDIVISION.
4. If classified as a Minor Subdivision the subdivider shall then comply with the procedure outlined in Section V of these Ordinance. If classified as a Major Subdivision the subdivider shall comply with procedures outlined in Section VI. Subsections I and II of this Ordinance.
5. The Planning Board shall determine whether the Sketch Plan complies with these Ordinance and shall, where it deems necessary, make specific suggestions in writing to be incorporated by the applicant in his subsequent submissions.

**B. Submissions**

1. The Sketch Plan shall be submitted to the Planning Board at the time of or prior to the on-site inspection.
2. The Sketch Plan shall show, in simple sketch form on a topographic map the proposed layout of street, lots, and other features in relation to existing conditions.
3. The Sketch Plan, which may be a free-hand penciled sketch, should include the data listed in Section V, C of this Ordinance or such of it as the Planning Board determines is necessary to supplement the drawing required above.
4. General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above.
5. General subdivision information shall include data on existing covenants, medium intensity soil survey and soil interpretation sheets, and available community facilities and utilities and information describing the subdivision proposal such as number of residential lots, typical grounds, park areas and

other public areas, proposed protective covenants and proposed utilities and street improvements.

**SECTION V: REVIEW AND APPROVAL OF MINOR SUBDIVISIONS**

**A. General**

1. The Planning Board may require, where it deems necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with all or any of the requirements specified for Major Subdivisions.

**B. Procedure**

1. Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Final Plan at least seven (7) days prior to a scheduled meeting of the Board. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board pursuant to this ordinance.
2. All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee as established by the current schedule attached to the application, payable by check to the Municipality stating the specific purpose of the fee.
3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
4. The time of submission of the Final Plan shall be as defined in Section III of these Ordinance.
5. The Planning Board shall, from the date of submission, have sixty (60) days plus the number of days until the next regular meeting to approve, modify and approve or disapprove the Final Plan. The Board shall specify in writing its reason for any such modification or disapproval. If the Board fails to take action within the time span specified above, the Final Plan shall be deemed disapproved.
6. The Final Approved Plan will not be considered in effect until said Plan is filed with the Registry and a copy receipted by the Registry of Deeds is returned to the Hancock County Planning Commission and to the Planning Board with a Registry of Deeds reference number contained thereon.

**C. Submissions**

1. The subdivision plan for a Minor Subdivision shall consist of two reproducible sheets and six (6) copies of one or more maps

**or drawings drawn to a scale of not more than one hundred (100) feet to the inch, which shall be legibly reproduced on a durable material or clearly drawn in India ink on linen, and the size of the sheets shall be 8 ½ x 11 inches or a multiple thereof, but in no case larger than 34 x 44 inches. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The application for approval of a Minor Subdivision shall include all the information presented on the Sketch Plan plus six (6) copies of each of the following:**

- a. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.**
- b. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan. All corners of individual lots shall be marked with iron stakes.**
- c. A medium intensity soil survey, unless a greater intensity is deemed advisable by the Board, identifying the soils, boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre. A lot by lot soils suitability determination for house building with septic sewage disposal or, house with public sewage disposal, will be made in accord with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot soils study.**
- d. All on-site sewerage and water supply facilities shall be shown designed to meet the minimum specifications of these Ordinance and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licensed Civil Engineer or local Code Enforcement Officer.**

- e. **Proposed name of the subdivision or identifying title, and the name of the Municipality in which it is located.**
- f. **The date, north point, graphic map scale, name and address of record owner and subdivider, the Registry of Deeds book and page numbers of all deeds in the subdivision, similar information for all other deeds with claims, covenants, or rights of way on the subdivision land, and the names of adjoining property owners.**
- g. **A survey showing approximate boundaries of wooded and cleared areas, general classification of vegetation and location of ledge outcropping.**
- h. **Other information deemed necessary by the Board for the protection of the public health and welfare.**

## **SECTION VI: REVIEW AND APPROVAL OF MAJOR SUBDIVISIONS**

### **SUBSECTION I: PRELIMINARY PLAN**

#### **A. Procedure**

- 1. Within six months after classification of the Sketch Plan as a Major Subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for a Major Subdivision. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.**
- 2. The application for conditional approval of the Preliminary Plan shall be accompanied by a fee as established by the current schedule attached to the application payable by check to the Municipality stating the specific purpose of the fee.**
- 3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.**
- 4. The time of submission of the Preliminary Plan shall be as defined in Section III of these Ordinance.**
- 5. After formal submission of a Preliminary Plan, the Planning Board shall have sixty (60) days plus the number of days until the next regular meeting to take action to give preliminary approval, with or without modifications, or disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board and conveyed to the applicant in**

**writing. Failure of the Planning Board to act within the above period shall constitute disapproval of the Preliminary Plan. Prior to preliminary approval the Planning Board may hold a public hearing.**

- 6. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
  - a. The specific changes which it will require on the Final Plan;**
  - b. The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare; and**
  - c. The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the Planning Board plus any conditions imposed shall be noted on four (4) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board, one forwarded to the Hancock County Planning Commission and one forwarded to the Municipal Officers.****
- 7. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these Ordinance and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.**
- 8. Within three days of the meeting at which an application for Preliminary Plan approval of a Major Subdivision is initially presented, the applicant shall:
  - a. Post a sign on the property to be subdivided that is at least 24 inches by 36 inches in size, secured in a manner to withstand weather conditions, posted in a conspicuous location that is legible from the street, that includes:****

1. the tax map and lot number(s) of the property to be subdivided.
2. the plan # (or other identifier) provided by the Planning Board
3. the name of the subdivision and the sketch plan
4. the name and telephone number of the applicant and Planning Board Chairman.
5. a space provided for the town to post the date of a public hearing, if the Board decides to hold one.

**B. Submissions**

1. **Location Map:** The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over five hundred (500) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:

- a. All the area within two thousand (2,000) feet of any property line of the proposed subdivision; or
- b. Any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the Location Map is at least five hundred (500) feet from any boundary of the proposed subdivision.

Within such area the Location Map shall show:

- c. All existing subdivisions and approximate tract lines of adjacent parcels together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision.
- d. Locations, width and names of existing, filed or proposed, streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in paragraph 1 above.
- e. The boundaries and designations of land use districts, school districts and parks or other public spaces.
- f. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan

submitted covers only part of the subdivider's entire holding.

2. **Preliminary Plan:** The Preliminary Subdivision shall be submitted in six (6) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, showing or accompanied by six (6) copies of the following information:
  - a. Proposed subdivision name of identifying title and the name of the Municipality.
  - b. Name and address of record owner, subdivider and designer of Preliminary Plan.
  - c. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
  - d. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
  - e. The provisions of any other Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.
  - f. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
  - g. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces.
  - h. The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades and street profiles of all streets or other public ways proposed by the subdivider.
  - i. Contour lines at intervals of not more than twenty (20) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum of existing grades.
  - j. A medium intensity soil survey, unless a greater intensity is deemed advisable by the Board, identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the

**USDA Soil Conservation Service National Cooperative Soil Classification. Soil tests, conforming to procedures outlined in the State Plumbing Code shall be performed on each lot in the location most likely for residential usage.**

- k. Typical cross sections of the proposed grading for roadways and sidewalks.**
- l. Date, true north point and graphic scale.**
- m. Deed description including Registry of Deeds book and page numbers of all deeds in the proposed subdivision, similar information for all other deeds with claims, covenants, or rights of way on the proposed subdivision land, and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.**
- n. Connection with existing water supply or diagram or statement of alternative means of providing water supply to the proposed subdivision.**
- o. Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.**
- p. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.**
- q. Preliminary designs of any bridges or culverts which may be required.**
- r. The proposed lot lines with approximate dimensions and suggested locations of buildings, or as required by the Planning Board.**
- s. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.**
- t. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.**
- u. The location of all natural features or unique site elements.**
- v. A soil erosion and sediment control plan as required by the Planning Board and in compliance with the Ordinance of the Hancock County Soil and Water Conservation District and the Maine Soil and Water Conservation Commission.**
- w. A survey showing approximate boundaries of wooded and cleared areas, general classification of vegetation, and location of ledge outcroppings.**



## **SUBSECTION II: FINAL PLAN**

### **A. Procedure**

- 1. The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after the approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require re-submission of the Preliminary Plan. All applications for Final Plan approval for Major Subdivisions shall be accompanied by a fee of \$50 payable by check to the Municipality.**
- 2. The time of submission of the Subdivision Plan shall be as defined in Section III of these Ordinance.**
- 3. Where required, the approval of the State of Maine, Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.**
- 4. Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:
  - a. The servicing Water Department if existing public water service is to be used; or**
  - b. The State of Maine Department of Health and Welfare if the subdivider proposes to provide a central water supply system.****

**Such approval shall be secured before official submission of the Final Plan.**

**The Planning Board may require the approval of a civil engineer or geologist registered in the State of Maine, if individual wells serving each building site are to be used. The board may also require the subdivider to submit the results of water quality tests, if any, as performed by the Maine Department of Health and Welfare.**

- 5. Sewage disposal system proposals contained in the subdivision plan shall be properly endorsed and approved in writing by:
  - a. The servicing Sanitary Sewer District if existing public disposal systems are to be used, or**
  - b. The Municipal Plumbing Inspector or the State of Maine Department of Health and Welfare if a separate central sewage collection and treatment system is to be utilized, or if individual septic tanks are to be installed by the developer, or**
  - c. The Maine Department of Environmental Protection if the municipal system to be utilized is inadequate by State Ordinance and the waste****

generated is of a “significant” nature, or if the waste is to be discharged, treated or untreated, into any body of water.

Such approval shall be secured before official submission of the Final Plan.

6. A public hearing shall be held by the Planning Board within thirty (30) days after the time of submission of the Final Plan for approval. This hearing shall be advertised twice in a newspaper of local circulation. The first notice shall appear at least ten (10) days before such hearing and notice of said hearing shall be posted in at least three (3) prominent places at least ten (10) days prior to the hearing. In addition, notice of such hearing shall be forwarded to the Hancock County Planning Commission, and to the clerk of the appropriate adjacent municipality in the case of a Plan located within 500 feet of a municipal boundary, at least 10 days prior to the hearing.
7. Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Municipal Treasurer a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Municipal Treasurer a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Municipal Officers and municipal attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond time within which required improvements must be completed. The certified check or bond may include an amount required for recreation land improvements as specified.
8. From the date of receipt of the Final Plan the Board shall have sixty (60) days plus the number of days until the next regular Board meeting to approve, modify and approve or disapprove the Final Plan. The reasons for any modifications required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within the above period shall constitute disapproval of the Final Plan.

**B. Inspection of Required Improvements**

1. At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the

**Municipal Officers in writing of the time when he proposes to commence construction of such improvements so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.**

- 2. If the appointed engineer shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Municipal Officers, Building Inspector and Planning Board. The Municipal Officers shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on the previously approved Plan.**
- 3. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the appointed engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the appointed engineer may, upon written approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alternation of the function of any improvements required by the Board. The appointed engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.**
- 4. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.**

**C. Submissions**

- 1. The Final Plan shall consist of six (6) copies, at least two of which shall be originals or reproducible mylars, of one or more maps or drawings which shall be printed or reproduced in the same manner as the Preliminary Plan.**

**Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:**

- a. **All of the information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.**
  - b. **The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.**
  - c. **Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to the public use.**
  - 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. Where practical these should be tied to reference points previously established.**
  - e. **The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.**
  - f. **By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.**
  - g. **Lots and blocks within the subdivision numbered in accordance with local practice.**
  - h. **Permanent reference monuments shown thus: "X". They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.**
- 2. There shall be submitted to the Board with the Final Plan:**
- a. **Written offers of cession to the Municipality of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which spaces title to which is reserved by the subdivider, are to be maintained.**
  - b. **Written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents referred to in Paragraph a above. Such written evidence shall not constitute an**

acceptance by the Municipality of any public open space referred to in paragraph a above.

- c. A performance bond to secure completion of all improvements required by the Board and written evidence that the Municipal Officers are satisfied with the sufficiency of such bond.

**D. Final Approval and Filing**

1. Upon completion of the requirements in Section VI, Subsections I and II above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Municipal Officers. The Plan shall then be filed with the Hancock County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days. The Final Approved Plan will not be considered in effect until said Plan is filed with the Registry and a copy receipted by the Registry of Deeds is returned to the Planning Board and to the Hancock County Planning Commission with a Registry of Deeds reference number contained thereon.
2. At the time the Planning Board grants Final Plan approval it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Municipal Officers and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years of a period of time mutually agreed to by the Municipal Officers, Planning Board and the subdivider.

**E. Plan Revisions After Approval**

1. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Planning Board approves any modifications. In the event that a

**Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.**

**F. Public Acceptance of Streets and Recreation Areas**

- 1. The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or any other open space shown on such Plan.**
- 2. When a park, playground, or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the Plan to be enforced with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.**

**SECTION VII: ENFORCEMENT**

- A. No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standard, and construction specification set forth elsewhere in these Ordinance, nor until such approval shall have been entered on such Final Plan by the Planning Board.**
- B. No person, firm, corporation or other legal entity may sell, lease convey for consideration, or offer or agree to sell, lease or convey for consideration any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds and all procedures in Section VI, Subsection II, D.1 have been complied with.**
- C. Any person, firm, corporation or other legal entity who sells, leases, or conveys for consideration any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1,000 for each such conveyance, offering or agreement. The Attorney General, the Municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.**

- D. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.
- E. Not only is making a subdivision without Planning Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed approved and endorsed as provided in these Ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Hancock County Registry of Deeds and all procedures in Section VI, Subsection II, D.1 have been complied with.

**SECTION VIII: GENERAL REQUIREMENTS**

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.

**A. Plan Shall Conform to Comprehensive Plan**

- 1. Any proposed subdivision shall be in conformity with a Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

**B. Relationship to Community Services**

- 1. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to:

- a. Schools, including busing
- b. Road maintenance and snow removal
- c. Police and fire protection
- d. Solid waste disposal
- e. Recreation facilities
- f. Runoff water disposal drainage ways and/or storm sewer enlargement with sediment traps

The Board may further require the developer of a Major Subdivision to provide accurate cost estimates to the town for the above services, and the expected tax revenue of the subdivision.

**C. Retention of Proposed Public Spaces**

- 1. Depending on the size and location of the subdivision and where the establishment of said subdivision may seriously restrict the continued use by the general public of land previously used for recreational purposes, the Board may require the developer to provide up to 10% of his total area for recreation. It is desirable that areas reserved for recreation be at least 5 acres in size and easily accessible from all lots within the subdivision.**
- 2. Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic passive recreation purposes shall have no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.**
- 3. Where the proposed subdivision is located on a lake, pond, river or stream (or the sea coast), a portion of the waterfront area, when feasible, shall be included in the reserved land. The land so reserved shall be at least 200 feet wide measured perpendicularly from the normal high water mark.**
- 4. If the Planning Board determines that the reservation of land for parks and/or recreational purposes would be inappropriate, the Board may waive the requirement of land reservation on the condition that the subdivider (applicant) deposit a cash payment in lieu of land reservation with the town clerk. Such a payment shall be placed in a trust fund to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds and other recreational purposes. The amount of such payment shall be not more than 10% of the appraised market value, including improvements, for each lot approved on the Final Plan.**
- 5. The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or Policy Statement, on a**



reimbursable basis with a five year option after which the space may be sold for other development.

**D. Preservation of Natural and Historic Features**

1. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10” or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

**E. Land Not Suitable for Development**

1. The Board shall not approve such portions of any proposed subdivision that:
  - a. Are situated below sea level.
  - b. Are located within the flood plain as identified by the Planning Board and on record at the Planning Board Office.
  - c. Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled tidal wetlands or filled or drained Great Ponds (natural body of water 10 acres or more in size).
  - d. Employs septic sewage disposal and is located on soils rated poor or very poor by the Soil Suitability Guide for Land Use Planning in Maine. Lots used for on-site sewage disposal shall meet or exceed the lot size guidelines for soil types and slopes as specified in Appendix I of “State of Maine Plumbing Code, Part II, Private Sewerage Disposal Regulations, July 1974”, or as amended.
2. Wherever situated, in whole or in part, within 250 feet of the high water line of any pond, lake, river or tidal waters, a proposed subdivision shall conform to the Municipal Shoreland Zoning Ordinance, or any other local land use ordinances.

**E. Blocks**

1. The length, width and shape of blocks shall be determined with due regard to:
  - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

- b. Land use requirements as to lot sizes and dimensions.
        - c. Needs for convenient access, circulation, control and safety of street traffic.
        - d. Limitations and opportunities of topography.
        - e. Vegetative, exposure, and geological character of the land.
2. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4 foot wide paved foot path be included. The Planning Board shall require the subdivider to provide for the proper maintenance of any such easement.

**G. Lots**

1. The lot size, width, depth, shape and orientation and the minimum building setback lines from streets, sidelines, or boundaries shall be appropriate for the location of the subdivision, consistent with the Maine Minimum Lot Size Law, Title 12, MRSA, Section 4807, and/or all other local or state land use laws, ordinances or regulations, and for the type of development and use contemplated.
2. Depth and width of properties reserved or laid out for any purpose shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
3. The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage of 200 feet on a street, or a lesser footage as the Planning Board may allow, all other requirements herein being complied with.
4. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
5. Side-lot lines shall substantially at right angles or radial to street lines.
6. Where a tract is subdivided into lots substantially larger than the minimum size required herein, the Board may require that streets and lots be laid out so as to permit

future resubdivision in accordance with the requirements contained in these Ordinance.

7. All corners of individual lots shall be marked with iron stakes.

**H. Easements for Natural Drainage Ways**

1. Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm water be not less than 30 feet in width.

**I. Utilities**

1. The size, type and location of public utilities, such as street lights, electricity, telephones, gas lines, fire hydrants, etc. shall be approved by the Board.
2. Utilities shall be installed underground except as otherwise approved by the Board.

**J. Additional Requirements**

1. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
2. The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least 20 feet wide between abutting properties that are so endangered.

**K. Required Improvements**

1. The following are required improvements: Monuments, street signs, streets, sidewalks, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these Ordinance.
2. The subdivider is required to install and maintain street lights at each entrance and exit onto town and state roads and streets.

**SECTION IX: DESIGN STANDARDS**

**A. Monuments**

1. Permanent monuments shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections and points of curvature.
2. Monuments shall be concrete or stone, located in the ground at final grade level, and indicated on the Final Plan. After they are set, drill holes ½ inch deep shall locate the point or points described above.
3. All corners of individual lots shall be marked with iron stakes.

**B. Street Signs**

1. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.
2. Street name signs shall be furnished and installed by the subdivider. The type, size, and location shall be to the approval of the Board.

**C. Streets**

**1. Classification**

In accordance with a Comprehensive Plan of the municipality or policy statement as may have been adopted, in whole or in part, and for the purposes of these Ordinance, streets are classified by function as follows:

**a. Major Streets: The term “Major Streets” includes:**

1. Arterial Streets which serve primarily as major traffic ways for travel between and through towns; and
2. Collector Streets which serve as feeders to arterial streets, as collectors of traffic from minor streets and for circulation and access in commercial and industrial area.

**b. Minor Streets: Local streets which are used primarily for access to abutting residential, commercial or industrial properties.**

**3. Layout**

- a. Proposed streets shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a Preliminary Plan.
- b. All streets in the subdivision shall be so designed that, in the opinion of the Board, they

- will provide safe vehicular travel while discouraging movement of through traffic.
- 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 to 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.**
  - d. **In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.**
  - e. **Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Planning Board.**
  - f. **In front of areas designated for commercial use, or where a change to an area designated for commercial use is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case shall the street have a right-of-way width less than 60 feet nor have less than 2 twelve foot travel lanes and 2 eight foot parking lanes.**
  - g. **Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.**
  - h. **Where a subdivision borders on or contains a railroad right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in**

**residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for approach grades and future grade separations.**

- i. Where a subdivision borders an existing narrow road (below Ordinance set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked “Reserved for Road Realignment (or widening) Proposed.” It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of any municipal laws, ordinances or regulations.**
- j. Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (streets parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.**
- k. Subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map if such exists, or streets on an approved Subdivision Plan for which a bond has been filed.**
- l. Entrances onto existing or proposed collector streets may be limited by the Planning Board to a frequency of one per 400 feet of street frontage. Entrances onto existing or proposed arterial streets may be limited by the Planning**

Board to a frequency of one per 1000 feet of street frontage.

- m. Streets in the subdivision shall be so laid out that their use by through traffic will be discouraged.

**4. Design and Construction Ordinance**

- a. All streets in a subdivision shall be designed and constructed to meet the following Ordinance for streets according to their classification as determined by the Planning Board:

	Arterial Streets	Collector Streets	Minor Streets
(1) Minimum width:	80'	60'	60'
(2) Minimum width of Pavement*	44'	26'	24'
(3) Minimum grade	.5%	.5%	.5%
(4) Maximum grade	.5%	.6%	.10%
(5) maximum grade at Intersection	.3% within 50 feet of intersections		
(6) Minimum angle of Intersection	-----60-----		
(7) Width of shoulder	9'	9'	8'
(8) Minimum center line radii on curves	800'	200'	200'
(9) Minimum tangent length between reverse curves	300'	200'	100'
(10) Road base (minimum)	24"	18"	18"
Sub-base (Bank gravel)	18"	12"	12"
Upper base (crushed gravel)	6"	6"	6"
(11) Bituminous paving	2 1/2"	2 1/2"	2"
(12) Road crown (minimum)	1/4"/1 ft	1/4"/1 ft	1/4"/1 ft
(13) Sidewalk width (minimum where required)			
Base course (gravel)	8'	5'	5'
Surface		2" Bituminous hot top	
(14) Dead end or cul-de-sac street			
Width			60'
Length not more than			1000'
Radii of turn around at enclosed end of:			
Property line (minimum)			80'

Pavement (minimum)	65'
(15) Property line radii at intersection (minimum)	10'
(16) Curb radii at intersections	
a.    90o intersections	----- 25'-----
b.    Less than 90o intersections	-----30'-----

\* In addition to the minimum pavement width, all streets in a mobile home park shall have a cleared area (no vegetation or appurtenances over three feet high) of 40 feet within the right of way to provide for maneuvering of mobile homes.

- b. Grade of all streets shall conform in general to the terrain, and shall not be less than one half (1/2) of one percent nor more than 5 percent for arterial streets, 6 percent for collector streets, or 10 percent for minor streets in residential zones, but in no case more than 3 percent within 50 feet of any intersection.
- c. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of 200 feet.
- d. Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end where one street approaches another between 60-90 degrees the former street should be curved approaching the intersection.
- e. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of off-set intersecting streets.
- f. Street lines at intersections shall be cut back to provide for curb radii of not less than 25 feet for 90 degree intersections and 30 feet for intersections less than 90 degree.
- g. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That



portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

- h. A dead end street or cul-de-sac shall not exceed 1000 feet in length and shall be provided with a suitable turn-around at the closed end. When a turning circle is used, it shall have a minimum outside curb radius of 65 feet.
- i. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.
- j. Side slopes shall not be steeper than 3 feet horizontal and 1 foot vertical, graded, loamed, (6 inches compacted) and seeded as required.
- k. Streets shall be rough-graded to the full width of the right-of-way.
- l. Street curbs and gutters shall be required on all streets within Maine State Department of Transportations defined urban areas and shall be required at the discretion of the Planning Board in rural areas.
- m. Where curb and gutter are not required, stabilized shoulders and proper drainage shall be the responsibility of the subdivider in compliance with the requirements herein.
- n. All roadways within the subdivision shall be constructed according to road specifications herein as overseen by the municipal road commissioner and engineer.

## 5. **Planting**

- a. All esplanade or planting strip areas at sides of streets shall receive at least 6 inches of compacted top-soil (loam) free of stones over one inch in diameter, sods, and clay. Base material shall be removed prior to placement of top-soil.
- b. Planting strips to be limed at the rate of one pound per ten square feet and fertilized at the rate of one pound of a 10-10-10 fertilizer per

fifty square feet or equivalent and seeded with a conservation mix endorsed by the Hancock County Soil and Water Conservation District.

- c. When required by the Planning Board, street trees shall be planted in the esplanade areas of all new streets.
- d. Trees of the 1<sup>st</sup> Magnitude (Birch, Beech, Linden, Oak, Pine, Sugar Maple, Basswood) shall be planted at 40-60 feet intervals.
- e. Trees of the 2<sup>nd</sup> Magnitude (Hawthorn, Flowering Crabapple, etc.) may be planted at intervals of less than 40 feet.

**D. Sidewalks**

- 1. Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street, and at such locations as the Board may deem necessary.

**E. Water Supply**

- 1. A public water supply system with fire hydrants shall be installed at the expense of the subdivider, or, if in the opinion of the Board, service to each lot by a public water system is not feasible, the Board may allow individual wells to be used, which shall be installed at the expense of the subdivider on lots containing swellings erected by the subdivider or his agent.
- 2. The Planning Board may require that storage shall be provided as necessary to meet fire protection needs.
- 3. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other ground water sources.
- 4. If a central water supply system is provided by the subdivider, location and protection of the source and design, construction and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations included in the “Manual for Evaluating Public Drinking Water Supplies”, Public Health Service No 1189 (1969).

**F. Sewage Disposal**

- 1. A sanitary sewer system shall be installed at the expense of the subdivider, or, if in the opinion of the

**Board, service to each lot by a sanitary sewer system is not feasible, the Board may allow individual septic tanks to be used, which shall be installed at the expense of the subdivider on lots containing dwellings erected by the subdivider or his agent. In no instance shall a septic disposal system be allowed in soils rated poor or very poor for such purpose by the Soil Suitability Guide for Land Use Planning in Maine or on lots below the minimum size shown for particular soil types in Appendix I of “State of Maine Plumbing Code, Part II, Private Sewerage Disposal Regulations, July, 1974” or as amended.**

**G. Surface Drainage**

- 1. Where a subdivision is traversed by a watercourse, drainageway or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as the Board or Municipal Engineer deems adequate.**
- 2. The developer may be required to provide a statement from a civil engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in adjacent properties. The developer shall submit a surface drainage plan showing ditching, culverts, easements and other proposed improvements.**
- 3. 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.**
- 4. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision. Acceptance of a proposed subdivision by the Planning Board may be contingent upon presentation of designated standing trees.**

**SECTION X: RELEASE OF GUARANTY CHECK OR BOND**

- A. Before a subdivider may be released from any obligation required by his guarantee of performance, the Board will require certification from the Municipal Engineer or appointed engineer and whatever other agencies and department that may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable Ordinance, state and local codes and ordinances.

**SECTION XI: VARIANCES AND WAIVERS**

- A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these Ordinance or where there are special circumstances of a particular Plan, it may vary these Ordinance so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, where such exist.
- B. Where the Planning Board finds that, due to special circumstances of a particular Plan, the provisions of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
- C. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.
- D. All variances, modifications, and waivers of any part of this Ordinance are revocable up to the date of Final Plan approval.

**SECTION XII: APPEALS**

- A. An appeal from a decision of the Planning Board may be taken to the Municipal Boards of Appeals in accordance with Title 30, M.R.S.A. Chapter 213, Section 2411.

**SECTION XIII: SEPARABILITY AND EFFECTIVE DATE**

- A. The invalidity of any provision of these Ordinance shall not invalidate any other part.
- B. These Ordinance shall take effect immediately upon adoption.

**SECTION XIV: PUBLIC NOTIFICATION**

- A. Upon receipt by the Planning Board of a Sketch Plan or Preapplication Plan, the Planning Board shall, within ten days, place an announcement to that effect in the local paper.
- B. Within ten days of receipt of the Final Plan for approval review, the Planning Board will announce in the local newspaper any waivers, modifications or variances from these Ordinance that have been granted.
- C. Within ten days of the fulfilling of all requirements of Section VI, Subsection II, D.1 by the subdivider, the Planning Board shall announce in the local newspaper and notify in writing the Hancock County Planning Commission, the creation of a new subdivision.

**SECTION XV: COMPLIANCE WITH NATIONAL FLOOD INSURANCE PROGRAM**

- A. The Planning Board shall, when receiving subdivisions under 30 M.R.S.A. Section 4956, assure that:
  - 1. All such proposals are consistent with the need to minimize flood damage;
  - 2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damages;
  - 3. Adequate drainage is provided so as to reduce exposure to flood hazards;
  - 4. In the case of subdivisions or other developments greater than 50 lots or 5 acres (whichever is the lesser) that all proposals include base flood elevation data; and
  - 5. In the case of mobile home subdivisions or mobile home parks, located in Zone A of the Flood Hazard Boundary Map, an evacuation plan shall be filed with the Town Civil Emergency Preparedness Office, indicating alternative vehicular access and escape routes.

**SECTION XVI: CERTIFICATION OF COMPLIANCE**

No parcel, lot, or structure shall be conveyed, leased, or occupied or offered for sale, conveyance, lease or occupancy without certification from the Planning Board that all the terms of the subdivision's approval have been complied with by the subdivider.

**SECTION XVII: TRUST ACCOUNT FEE**

Every application for a major subdivision permit shall be accompanied by the payment of one hundred dollars (\$100) for each parcel or lot, or for each dwelling or commercial unit, or for every two



**thousand square feet (2,000 sq. ft.) of structure within the subdivision, or whichever results in the largest total. For the purpose of this section, “structures” shall mean floor space of buildings, including mobile homes, constructed or erected with a fixed location on or in the ground or attached to something on or in the ground and in addition shall include parking lots, roads, paved areas, wharves, gravel pits, ponds, or areas to be stripped, filled or graded and not to be revegetated. The checks shall be made to the Municipal Planning Board.**

**The Planning Board shall deposit the subdivision’s Trust Account Fee in a special bank account which is separate and distinct from all other Planning Board and Municipal accounts.**

**The Planning Board may from time to time withdraw from the Trust Account in order to make reasonable payment for costs, expenses and services incurred by or contracted for by the Planning Board at its discretion which relate directly to the review of the subdivision under the terms of these regulations; which relate directly to the inspection of the subdivision after approval; or which relate directly to the efforts of the Planning Board and municipal officials to assure that the subdivision complies with these regulations, 30 M.R.S.A., Section 4965, and any other municipal laws, ordinances, or regulations. Such services may include, but not be limited to, clerical costs, consulting engineering fees, architectural fees, attorney fees, recording fees, and appraisal fees.**

**The Planning Board shall provide the subdivider with a quarterly accounting of this account and shall refund all of the remaining monies in the account upon the payment of all costs and services related to the subdivision and upon the subdivision application denial or if approved upon the subdivision’s completion and compliance with all the terms of these regulations, other municipal laws, ordinances, or regulations; and conditions of approval of the subdivision. The refund**

shall be accompanied by a final accounting by the Planning Board.

The subdivider shall not be liable for costs incurred by or costs of services contracted for by the Planning Board which exceed the amount of the Trust Account Fee.

### **SECTION XVIII: VACATION OF SUBDIVISION**

- A. Any person interested in the vacation of any subdivision or part of a subdivision shall file for vacation with the Planning Board. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in the property or portion to be vacated. If the subdivision is subject to restricted covenants which were filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenant providing that the parties agree to terminate or alter the relevant covenant to accomplish the purpose of the vacation.
- B. A vacated subdivision may be re-submitted for approval subject to all application requirements contained in this ordinance. However, should such an application be submitted within 5 years of the date of vacation, pro-rated subdivision property taxes, as would have been owed during the intervening period, shall be paid in advance as a condition of approval.





