

Chapter 74 - SUBDIVISIONS¹¹

Footnotes:

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Cross reference— Any ordinance dedicating or accepting any plat or subdivision in the town saved from repeal, § 1-9(a)(12); department of planning and development, § 2-472; environment, ch. 26; streets, sidewalks and other public places, ch. 50; utilities, ch. 58; buildings and building regulations, ch. 66; zoning, ch. 78; manufactured housing, § 78-2056 et seq.

State Law reference— Subdivisions, 30-A M.R.S.A. § 4401 et seq.

ARTICLE I. - IN GENERAL

Sec. 74-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Campground means any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Complete application. An application for a development proposal shall not be considered to be complete until the applicant presents to the planning board the following materials:

- (1) A receipt for the fee paid.
- (2) A completed application form.
- (3) A copy of the planning board notification form stating that all other submissions required in this chapter for that type of application have been received and are satisfactory.

Comprehensive plan or policy statement means any part or element of the overall plan or policy for development of the town as defined in 30 M.R.S.A. § 4961.

Contiguous lot means lots that adjoin at any point or line or are separated at any point by a body of water less than 40 feet wide.

Developed area means any area on which a site improvement or change is made, to include buildings, landscaping, parking areas, etc.

Essential services means the construction, alteration, or maintenance of gas, electrical, communication facilities; steam, fuel or water transmission or distribution systems; collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police callboxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Final subdivision plan means the final drawings on which the subdivider's plan of the subdivision is presented to the planning board for approval and which, if approved, may be filed for record with the town clerk and the county.

High intensity soil survey means a survey that shall meet the standards of the National Cooperative Soil Survey which contrasts soils down to one-tenth acre or less at a scale greater than four inches equals one mile. The mapping units shall be the soil series. Single test pits and their analyses shall not be considered to constitute high intensity soil surveys.

Hotel is interchangeable with the term "motel."

Industrial park or development means an area zoned and planned for varied industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Living unit applies to residential dwelling units, and includes single-family, duplex and multifamily dwellings, apartments, and condominiums. Each individual unit which functions as a separate dwelling quarters shall be a living unit.

Mobile home park means a plot of land laid out to accommodate at least two mobile homes.

Normal high water elevation line means, along lakes, ponds, and tidal waters, the elevation at which continuous, contiguous vegetation changes from predominantly aquatic to predominantly terrestrial; and along rivers and streams, the highest elevation on the bank of a channel at which the water has left a permanent mark.

Official submittal date means the time of submission of a preapplication plan, final plan for a minor subdivision, preliminary plan for a major subdivision or final plan for a major subdivision, which shall be considered to be the date of written acknowledgment by the planning board of the receipt of a completed application. Pursuant to 30 M.R.S.A. § 4956(2)(G1), the planning board, upon receipt of an application, shall issue a dated receipt. Within 30 days of this written receipt, the planning board shall notify the applicant, in writing, either that the application is a complete application or, if it is incomplete, shall specify the additional material needed to complete the application. After it has been determined that a completed application has been filed, the planning board shall notify the applicant, which notification shall constitute the official submittal.

100-year flood means the highest level of flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring in any year).

Planned unit development (PUD) means a development controlled by a single developer for residential, commercial, industrial or any combination of such purposes. PUDs are undertaken in a manner that treats the developed area as an entirety to promote use of land, including the creation of common open space, a reduction in the size of road and utility systems, and the retention of the natural characteristics of the land. PUDs may not be used, however, to increase the overall density of development permitted in any zoning district.

Planning board means the town planning board created under 30 M.R.S.A. § 4952 or 30 M.R.S.A. § 1917.

Preliminary subdivision plan means the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the planning board for its consideration.

Resubdivision means the division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

Solar collector means a device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Solar energy system means a complete design or assembly consisting of a solar energy collector, an energy storage facility where used, and components for a distribution of transformed energy, to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.

Street means and includes such public or private ways as alleys, avenues, boulevards, highways, roads, streets, and other rights-of-way. The term "street" also applies to areas on subdivision plans designated as "streets," etc.

Subdivision means the division of a tract or parcel of land into three or more lots within any five-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; by condemnation; by order of a court; by gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift 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 for the purposes of this definition. In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted in this chapter, shall be considered to create the first two lots, and the next division of either of such first two lots by whomever accomplished, unless otherwise exempted in this chapter, shall be considered to create a third 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 five years prior to such second dividing. Lots of 40 or more acres shall not be counted as lots.

State Law reference— Definition of subdivision, 30-A M.R.S.A. § 44014.

Subdivision, major, means any subdivision containing more than four lots or any subdivision requiring any new public street extension or the extension of municipal facilities.

Subdivision, minor, means a subdivision containing not more than four lots.

Tract or parcel of land means all contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or nonnavigable stream, tidal waters where there is no flow at low tide, or a private road established by the abutting landowner.

(Ord. of 2-18-1986, art. 3)

Cross reference— Definitions generally, § 1-2.

Sec. 74-2. - Purpose.

The purpose of this chapter [2](#) shall be to ensure 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, the planning board shall consider the following criteria and before granting approval shall determine the following:

- (1) The proposed subdivision will not result in undue water or air pollution. In making this determination it shall at least consider the following:
 - a. The elevation of the land above sea level and its relation to the floodplains;
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - c. The slope of the land and its effect on effluents; and
 - d. The applicable state and local health and water resources regulations;
- (2) The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
- (3) The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- (4) The proposed subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- (5) The proposed subdivision 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) The proposed subdivision will provide for adequate solid and sewage waste disposal;
- (7) The proposed subdivision 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) The proposed subdivision will not place an unreasonable burden upon local, municipal or governmental services;

- (9) The proposed subdivision 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;
- (10) The proposed subdivision is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;
- (11) The subdivider has adequate financial and technical capacity to meet the standards stated in subsections (1) through (10) of this section;
- (12) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, the proposed subdivision will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;
- (13) The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; and
- (14) The proposed subdivision will not unreasonably interfere with access to direct sunlight for solar energy systems.

(Ord. of 2-18-1986, art. 1)

Footnotes:

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See appendix i attached to the ordinance from which this chapter derives for the full text of the law.

Sec. 74-3. - Authority; title.

- (a) This chapter has been prepared in accordance with 30 M.R.S.A. § 4956.
- (b) This chapter shall be known and may be cited as "Subdivision Standards of the Planning Board of the Town of Old Orchard Beach Maine."

(Ord. of 2-18-1986, art. 2, § 2.1)

Sec. 74-4. - Applicability.

This chapter shall pertain to all the land proposed for subdivision within the town boundaries.

(Ord. of 2-18-1986, art. 2, § 2.2.2)

Secs. 74-5—74-30. - Reserved.

ARTICLE II. - ADMINISTRATION^[3]

Footnotes:

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Cross reference— Administration, ch. 2.

Sec. 74-31. - Authority of planning board.

The planning board shall administer this chapter.

(Ord. of 2-18-1986, art. 2, § 2.2.1)

Charter reference— Planning board, § 901.

Sec. 74-32. - Administrative procedure.

- (a) *Purpose.* The purpose of this section is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.
- (b) *Agenda.* Procedures for the planning board agenda are as follows:
 - (1) In order to avoid unnecessary delays in processing applications for subdivision review, the planning board shall prepare an agenda for each regularly scheduled meeting.
 - (2) Applicants shall request to be placed on the planning board's agenda at least one week in advance of a regularly scheduled meeting.
 - (3) Applicants who attend a meeting but who are not on the planning board's agenda may be heard, but only after all agenda items have been completed, and then only if a majority of the board so votes.
- (c) *Order of business.* The planning board shall process and review each applicant in a similar and equitable manner. In order to accomplish this, the board shall follow the procedures listed in this subsection for each stage of the review process. At any stage of the review process, when the planning board determines it is necessary to ensure compliance with the standards of this chapter, the planning board shall have the authority to refer, at the applicant's expense, applications for subdivision approval to the town attorney, the town planner, the town engineer, the police and fire chiefs, or other recognized consultants for assistance in reviewing applications when the proposed subdivision is deemed significant because of its size, location, effect on the environment, complexity of design, traffic impact, or other similar factors. At such time as the planning board decides to refer a proposed subdivision to any consultant for review, it shall inform the applicant, in writing, of its decision and of the estimated fee for such review. The planning board shall take no further action to consider the application, and all time periods requiring action by the planning board shall be stayed until the applicant pays to the planning board the estimated fee. The planning board shall inform the applicant of the actual fee and receive payment for any outstanding balance or refund the difference, if any, prior to making a final decision on the proposed subdivision. The procedures for each stage of the review process are as follows:
 - (1) *Preapplication.* Stages for the preapplication are as follows:
 - a. Applicant presentation and submission of sketch plans.
 - b. Question and answer period.
 - c. Scheduling of on-site inspection.
 - d. Within 30 days of the on-site inspection, the planning board prepares written notification to the applicant advising whether the subdivision is classified as major or minor, and whether the sketch plan, as presented, complies with standards applicable to it. The planning board makes specific suggestions, in writing, to be incorporated by the applicant in subsequent submissions.
 - (2) *Preliminary plan application.* Stages for the preliminary plan application are as follows:

- a. Receipt of the applicant's application form and fee and issuance of a dated receipt.
 - b. Applicant's presentation and submission of required data.
 - c. Planning board and/or consultant questions.
 - d. General public questions.
 - e. Applicant's rebuttal.
 - f. Scheduling of on-site inspection (may be omitted if completed during preapplication phase).
 - g. Within 30 days of receipt of the preliminary plan, application form and fee, the planning board notifies the applicant, in writing, if the application is complete or incomplete. If the application is incomplete, additional submissions required are specified. Note: The form sent should also specify that the application is for the preliminary plan stage for a major or minor subdivision. Completed preliminary plan package (all required submissions) should be obtained prior to further board action.
 - h. Public hearing if desired.
 - i. Planning board review period.
 - j. Within 60 days of receiving the completed application or within 30 days of the public hearing, the planning board notifies the applicant, in writing, of its decision and reasons therefor.
- (3) *Final plan application.* Stages for the final plan application are as follows:
- a. Receipt of the applicant's application form and fee and issuance of dated receipt.
 - b. Applicant's presentation and submission of required data.
 - c. Planning board and/or consultant questions.
 - d. General public questions.
 - e. Applicant's rebuttal.
 - f. Within 30 days of receipt of the application form and fee for the final plan, the planning board notifies the applicant in writing whether the application is complete or incomplete. If incomplete, additional submissions required are specified. Note: The form sent should also specify that the application is for a final plan of a major or minor subdivision.
 - g. Scheduling of a public hearing if desired.
 - h. Planning board review period.
 - i. Within 60 days of receipt of the completed final application or within 30 days of the public hearing, the planning board notifies the applicant in writing of its decision and reasons therefor.

See table of responsibilities in the appendix to the ordinance from which this chapter derives for a simplified breakdown of steps.

(Ord. of 2-18-1986, art. 4; Ord. of 10-8-1986)

Sec. 74-33. - Enforcement.

- (a) No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision shall 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 standards, and construction specifications set forth elsewhere in this chapter, nor until such approval shall have been entered on such final plan by the planning board.

- (b) No person may convey, offer or agree to convey any land in a subdivision which has not been approved by the planning board and recorded in the registry of deeds.
- (c) Any person who conveys, offers or agrees to convey 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 \$1,000.00 for each such conveyance, offering or agreement. The attorney general, the town 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 serve any lot in a subdivision for which a final plan has not been approved by the planning board. [4](#)
- (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 this chapter and until the original copy of the final plan so approved and endorsed has been duly recorded in the county registry of deeds.

(Ord. of 2-18-1986, art. 9)

Footnotes:

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See appendix xii attached to the ordinance from which this chapter derives for sample utility service form.

Sec. 74-34. - Variances and waivers.

- (a) Where the planning board finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter or where there are special circumstances of a particular plan, it may vary this chapter so that substantial justice may be done and the public interest secured, 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 in chapter 78, where such exist.
- (b) Where the planning board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare or is inappropriate because of inadequate 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.

(Ord. of 2-18-1986, art. 13)

Sec. 74-35. - Appeals.

An appeal from any decision of the planning board under this chapter may be taken to county superior court under the Maine Rules of Civil Procedure, rule 80B.

(Ord. of 2-18-1986, art. 14; Ord. of 12-2-1985)

Secs. 74-36—74-60. - Reserved.

ARTICLE III. - PERFORMANCE GUARANTEES

Sec. 74-61. - Required.

- (a) At the time of the approval of the application for a subdivision, the applicant shall tender either a certified check payable to the town or a performance bond payable to the town issued by a surety company in an amount adequate to cover the total cost of all required improvements, taking into account the time span of the bond and the inflation rate for construction costs. The conditions and amount of such certified check or performance bond shall be determined by the planning board with the advice of various municipal departments, agencies, and legal counsel. Since all improvements shall be completed within two years, unless the subdivision is approved in phases or the planning board extends the date of completion, the bond shall be for no more than two years.
- (b) Performance guarantees shall be tendered for all improvements required under this chapter, including but not limited to streets, sidewalks, drainage facilities, streetlights, traffic signs, street name signs, landscaping, street trees, curbs, recreation areas, and utilities.

(Ord. of 2-18-1986, art. 12, §§ 12.1, 12.11)

Sec. 74-62. - Phased development.

The planning board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision road which is covered by performance guarantees. When development is phased, road construction shall commence from the public way. Final approval of house lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to the first phase of development.

(Ord. of 2-18-1986, art. 12, § 12.2)

Sec. 74-63. - Determination of design and construction of improvements prior to release.

Prior to the release of any part of or the entire check or bond required under this division, the planning board shall determine to its satisfaction, in part upon the report of the engineer hired by the town to inspect the subdivision and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. Any interest accumulated on an escrow account shall be returned, with any money owed, by the town to the subdivider after it has been determined that the proposed improvements meet all design and construction requirements.

(Ord. of 2-18-1986, art. 12, § 12.3)

Sec. 74-64. - Improvements not constructed in accordance with plans and specifications.

If the appointed engineer finds, upon inspection of the subdivision improvements performed before release of the guarantee, 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 code enforcement officer and the planning board. The planning board shall then notify the subdivider and, if necessary, the bonding company and shall take all necessary steps to preserve the town's rights under the bond. No plan shall be approved by the board as long as the subdivider is in default on a previously approved plan.

(Ord. of 2-18-1986, art. 12, § 12.4)

Sec. 74-65. - Modification of location or design of improvements; maintenance of improvements.

- (a) 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 subdivision improvements, the appointed engineer may, upon approval of the planning board, authorize modification, provided these modifications are within the spirit and intent of the planning board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the planning 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.
- (b) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the town council.

(Ord. of 2-18-1986, art. 12, § 12.5)

Sec. 74-66. - Alternatives.

As an alternative to performance bonding or a certified check deposited in an escrow account as required in this division, the planning board may limit the number of subdivision units which can be built or sold until all required improvements have been made, inspected, and certified to the planning board. The planning board shall release for sale or development no more than the number of units needed to pay for land acquisition, engineering, and construction of the required improvements.

(Ord. of 2-18-1986, art. 12, § 12.7)

Sec. 74-67. - Private ways.

Where the subdivision roads are to remain private ways, the following words shall appear on the linen copy of the final subdivision plan:

"All roads in this subdivision shall remain private ways to be maintained by the developer or the abutters (delete 1) and shall not be accepted or maintained by the Town until such roads are brought into conformance with the Street Design and Construction Standards contained in these regulations."

(Ord. of 2-18-1986, art. 12, § 12.8)

Sec. 74-68. - Inspection fees.

- (a) At least five days prior to commencing construction of required improvements, the subdivider shall pay an inspection fee equal to two percent of the cost of the required improvements, payable by check to the town stating the purpose of the fee. The subdivider shall notify the CEO in writing of the time when he proposes to commence construction of such improvements, so that the CEO can cause inspection to be made to ensure that all municipal specifications and requirements are met during the construction of required improvements and to ensure the satisfactory completion of improvements and utilities required by the planning board.
- (b) If the inspection costs amount to less than the fee collected, the surplus shall be returned to the subdivider when inspections are completed.

(Ord. of 2-18-1986, art. 12, § 12.9)

Sec. 74-69. - Inspection at close of summer construction season.

- (a) At the close of each summer construction season the applicant for the subdivision shall, at his own expense, have the site inspected by a state-registered professional engineer. By December 31 of each year during which construction was done on the site, that engineer shall submit a report to the planning board based on that inspection. The report shall address whether:
 - (1) The development is being constructed in accordance with the plans and conditions approved by the planning board; and
 - (2) Stormwater and erosion control measures, both temporary and permanent, are in place, are properly installed, and appear adequate to do the job they were designed for.
- (b) The report shall also include a discussion of and recommendations on any problems which were encountered.

(Ord. of 2-18-1986, art. 12, § 12.10)

Secs. 74-70—74-95. - Reserved.

ARTICLE IV. - PLATS AND PLANS

DIVISION 1. - GENERALLY

Secs. 74-96—74-120. - Reserved.

DIVISION 2. - PREAPPLICATION AND SKETCH PLAN

Sec. 74-121. - Procedure.

- (a) 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 planning board's representative for such inspection.
- (b) 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.
- (c) After such preliminary inspection, the planning board shall within 30 days inform the subdivider in writing of the contour interval which will be required for his subdivision plans and will classify the sketch plan into one of two categories as defined in this chapter:
 - (1) Minor subdivision.
 - (2) Major subdivision.
- (d) If classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in division 3 of this article. If classified as a major subdivision, the subdivider shall comply with procedures outlined in division 4 of this article.
- (e) The planning board shall determine whether the sketch plan complies with this chapter and shall, where it deems necessary, make specific suggestions in writing to be incorporated by the applicant in his subsequent submissions.

(Ord. of 2-18-1986, art. 5, § 5.1)

Footnotes:

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See appendixes v and vi attached to the ordinance from which this chapter derives.

Sec. 74-122. - Submissions.

- (a) The subdivision sketch plan shall be submitted to the planning board at the time of or prior to the on-site inspection.
- (b) The sketch plan shall show, in simple sketch form on a topographic map, the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan, which may be a free-hand pencilled sketch, should include the data listed in section 74-153 or such of it as the planning board determines is necessary for its consideration of the proposed sketch plan.
- (c) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required in subsection (b) of this section. This information shall include the following:
 - (1) Data on existing covenants;
 - (2) High intensity soil survey and soil interpretation log sheets;
 - (3) Available community facilities and utilities; and
 - (4) Information describing the subdivision proposal such as the following:
 - a. Number of residential lots;
 - b. Typical lot width and depth;
 - c. Price range;
 - d. Business areas;
 - e. Playgrounds, park areas and other public areas;
 - f. Proposed protective covenants; and
 - g. Proposed utilities and street improvements.

(Ord. of 2-18-1986, art. 5, § 5.2)

Secs. 74-123—74-150. - Reserved.

DIVISION 3. - MINOR SUBDIVISIONS

Sec. 74-151. - Compliance.

The planning board may require, where it deems it 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.

(Ord. of 2-18-1986, art. 6, § 6.1)

Sec. 74-152. - Procedure.

- (a) 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 [§6](#) at least seven days prior to a scheduled meeting of the planning board. Failure to do so shall require resubmission 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.
- (b) All applications for plan approval for minor subdivisions shall be accompanied by a fee of \$100.00 payable by check to the town stating the specific purpose of the fee. If a public hearing is deemed necessary by the planning board, no additional fee shall be required to be paid by the applicant to cover the additional costs of advertising and postal notification.
- (c) The subdivider or his duly authorized representative shall attend the meeting of the planning board to discuss the final plan.
- (d) The time of submission of the final plan shall be as defined in section 74-1.
- (e) The planning board shall, within 30 days of a public hearing or within 60 days of receipt of a completed application, if no hearing is held, approve, modify and approve, or disapprove the final plan. The planning board shall specify in writing its reasons for any such modification or disapproval.

(Ord. of 2-18-1986, art. 6, § 6.2; Ord. of 10-8-1986; Ord. of 4-1-2003, § 2)

Footnotes:

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See appendix xi attached to the ordinance from which this chapter derives.

Sec. 74-153. - Submissions.

The subdivision plan for a minor subdivision shall consist of one original and three copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch, which shall be legibly reproduced on a durable material or clearly drawn in India ink on linen. The size of the sheets shall be 8½ × 11 inches or a multiple thereof, but in no case larger than 24 × 36 inches. Such sheets shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved 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 the following:

- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (2) 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 required in this chapter and shall be referenced as shown on the plan.
- (3) Where available, sewage disposal shall be accomplished by connection to the sewer district, in which event system design shall be as specified by the district, evidenced by certification from the district that it approves the design and will permit connection. When connection to the district system is possible, the developer shall install a complete sewage collection system consistent with the specifications and pipe size requirements of the sewer district.

- (4) When connection to the sewer district is not possible, site evaluations conforming with the state plumbing code shall be submitted for each lot in the subdivision. All site evaluations performed, including those test pits not meeting the minimum standards of the state plumbing code, shall be submitted for review. Test pits shall be of sufficient number and so located at representative points within the lot to ensure that a proposed disposal area can be entirely located on soils and slopes which meet the criteria of the state plumbing code. All test pits shall be dug by backhoe and shall be accurately shown on the plan. When the depth of original soil material to ledge, seasonal high water table, or an impervious layer is 24 inches or less, additional area with suitable soil conditions shall be identified and reserved for possible expansion or replacement of the disposal area.
- (5) In order to ensure maximum objectivity and thoroughness in determining on-site soil conditions, one of the following two procedures shall be followed:
 - a. The planning board shall collect an additional as specified in the schedule of license, permit and application fees in appendix A of this Code per lot from the applicant, which shall be used to hire a licensed evaluator of its own choice to perform the soil investigation; or
 - b. A planning board member and/or the planning board's technical consultant shall be present when all test pits are being dug and examined by the applicant's licensed evaluator.
- (6) Following its review of all soils analyses, the planning board may require that the entire sewage disposal system proposed for soils rated "poor" or "very poor" by the Soil Suitability Guide be located on not less than the minimum area of the particular soils as recommended in the state plumbing code (22 M.R.S.A. § 42).
- (7) When available, the water supply shall be from the water district system, in which event system design shall be as specified by the district, evidenced by certification from the district that it approves the design and will permit connection. When connection to the district system is possible, the developer shall install a complete water system, including mains, gates, valves, etc., consistent with the specifications and pipe size requirements of the water district.
- (8) If an on-site water supply is proposed, the developer must submit materials which will reasonably satisfy the planning board that each lot has the capability to support the well, the septic system, and a principal structure and will meet the minimum specifications of this chapter and all other pertinent state and local codes. See also section 74-277(c)(2).
- (9) The proposed name of the subdivision or identifying title and the name of the town in which it is located, plus the tax map page and lot number.
- (10) The date, north point, graphic map scale, names and addresses of the record owner and subdivider, and names of adjoining property owners.
- (11) A soil erosion and sediment control plan meeting the standards of the county soil and water conservation district or the state soil and water conservation commission.
- (12) A plan for the disposal of surface drainage waters shall be prepared by a licensed civil engineer and made a part of this submission.
- (13) Roads. The planning board may require additional submissions by the applicant which show that proposed road construction meets the specifications of this chapter as well as other local and state regulations for streets and roads. Additional roads and information may be required at the planning board's discretion.
- (14) The location of solar collectors, if proposed.
- (15) Digital submission requirements. All plan sheets must be submitted in digital format:
 - a. A PDF image of the plan sheets containing the same information as the hardcopy submission shall be digitally submitted to the planning department.
 - b. All plan sheets containing the same information as the hardcopy submission shall be referenced to the town's geographic reference system and shall be digitally submitted to the planning department. See submission requirement details in section 78-215(c)(4)a.

See appendix xi attached to the ordinance from which this chapter derives for sample final plan.

(Ord. of 2-18-1986, art. 6, § 6.3; Ord. of 4-1-2003, § 2; Ord. of 4-21-2009(3))

Secs. 74-154—74-180. - Reserved.

DIVISION 4. - MAJOR SUBDIVISIONS

Subdivision I. - In General

Secs. 74-181—74-205. - Reserved.

Subdivision II. - Preliminary Plan

Sec. 74-206. - Procedure.

- (a) 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 [74](#) 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.
- (b) The application for conditional approval of the preliminary plan shall be accompanied by a fee as specified in the schedule of license, permit and application fees in appendix A of this Code or each living unit in excess of four shown thereon payable by check to the town stating the specific purpose of the fee.
- (c) The subdivider or his duly authorized representative shall attend the meeting of the planning board to discuss the preliminary plan.
- (d) The time of submission of the preliminary plan shall be as defined in section 74-1.
- (e) Prior to actions taken by a planning board on a preliminary plan, a public hearing may be held. If the planning board determines to hold a public hearing on an application for subdivision approval, it shall hold such hearing within 30 days of receipt by it of a completed application. The planning board shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the town in which the subdivision is proposed to be located, at least two times, the date of the first publication to be at least seven days prior to the hearing.
- (f) Within 30 days of a public hearing or within 60 days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, the planning board shall 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 record of the planning board and shall be issued, in writing, to the applicant.
- (g) When granting preliminary approval to a preliminary plan, the planning board shall state the conditions of such approval, if any, with respect to the following
 - (1) The specific changes which it will require in the final plan;

- (2) The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare; and
- (3) The amount of improvement or the amount of all bonds therefor 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 three copies of the preliminary plan. One copy shall be returned to the subdivider, one retained by the planning board and one forwarded to the municipal tax assessor.

- (h) Preliminary 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 this chapter 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.

(Ord. of 2-18-1986, art. 7, § 7.1; Ord. of 10-8-1986; Ord. of 4-1-2003, § 2)

Footnotes:

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See appendix x attached to the ordinance from which this chapter derives.

Sec. 74-207. - Submissions.

- (a) *Location map.* ⁽⁸⁾ The preliminary plan shall be accompanied by a location map drawn at a scale of not over 400 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: (i) all the area within 2,000 feet of any property line of the proposed subdivision, or (ii) 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 500 feet from any boundary of the proposed subdivision. Within such area the location map shall show the following:
 - (1) All existing subdivisions and approximate tract lines of acreage 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.
 - (2) Locations, widths 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 subsection (a)(1) of this section.
 - (3) The boundaries and designations of zoning districts.
 - (4) An outline of the proposed subdivision together with its probable access 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.
- (b) *Preliminary plan.* The preliminary subdivision plan shall be submitted in three 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 one inch equals not more than 100 feet, showing or accompanied by the following information:

- (1) The proposed subdivision name or identifying title and the name of the town, plus tax map and lot number.
- (2) Names and addresses of the record owner, subdivider and designer of the preliminary plan and the submission date.
- (3) The number of acres within the proposed subdivision; location of property lines; and existing easements, buildings, watercourses and other essential existing physical features.
- (4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (5) The name or designation of the zoning ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.
- (6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- (7) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public open spaces.
- (8) 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 and location and grades and street profiles of all streets or other public ways proposed by the subdivider.
- (9) Contour lines at intervals of not more than five feet or at such intervals as the planning board may require, based on United States Geological Survey datum of existing grades where a change of the existing ground elevation will be five feet or more. Contours shall be shown on plot plans.
- (10) Typical cross sections of the proposed grading for roadways and sidewalks.
- (11) Date, true north point and graphic scale.
- (12) Deed description and map of the survey of the tract boundary made and certified by a registered land surveyor, tied into established reference points (30 M.R.S.A. § 4956).
- (13) Where available, the water supply shall be from the water district system, in which event system design shall be as specified by the district, evidenced by certification from the district that it approves the design and will permit connection. When connection to the district system is possible, the developer shall install a complete water system, including mains, gates, valves, etc., consistent with the specifications and pipe size requirements of the water district.
- (14) If an on-site water supply is proposed, the developer must submit materials which will reasonably satisfy the planning board that each lot has the capability to support the well, the septic system, and a principal structure and will meet the minimum specifications of this chapter and all other pertinent state and local codes. See also section 74-277(c)(2).
- (15) Where available, the sewage disposal shall be accomplished by connection to the sewer district, in which event system design shall be as specified by the district, evidenced by certification from the district that it approves the design and will permit connection. When connection to the district system is possible, the developer shall install a complete sewage collection system consistent with the specifications and pipe size requirements of the sewer district.
- (16) When connection to the sewer district is not possible, site evaluations conforming with the state plumbing code shall be submitted for each lot in the subdivision. All site evaluations performed, including those test pits not meeting the minimum standards of the state plumbing code, shall be submitted for review. Test pits shall be of sufficient number and so located at representative points within the lot to ensure that a proposed disposal area can be entirely located on soils and slopes which meet the criteria of the state plumbing code. All test pits shall be dug by backhoe and shall be accurately shown on the plan. When the depth of original soil material to ledge, seasonal high water table, or an impervious layer is 24 inches or less, additional area with suitable soil conditions shall be identified and reserved for possible expansion or replacement of the disposal area.

- (17) In order to ensure maximum objectivity and thoroughness in determining on-site soil conditions, one of the following two procedures shall be followed:
 - a. The planning board shall collect an additional fee as specified in the schedule of license, permit and application fees in appendix A of this Code per lot from the applicant, which shall be used to hire a licensed evaluator of its own choice to perform the soil investigation; or
 - b. A planning board member and/or the planning board's technical consultant shall be present when all test pits are being dug and examined by the applicant's licensed evaluator.
- (18) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
- (19) Preliminary designs of any bridges or culverts which may be required.
- (20) The proposed lot lines with approximate dimensions.
- (21) The location of temporary markers adequate to enable the planning board to locate readily and appraise the basic layout in the field.
- (22) All parcels of land proposed to be dedicated to public use and the conditions of such dedications.
- (23) The location of all natural features or site elements to be preserved.
- (24) A soil erosion and sediment control plan meeting the standards of the county soil and water conservation district.
- (25) The location of solar collectors, if proposed.
- (c) *Digital submission requirements.* All preliminary plan sheets must be submitted in digital format:
 - (1) A PDF image of the preliminary plan sheets containing the same information as the preliminary hardcopy submission shall be digitally submitted to the planning department.
 - (2) The preliminary plans containing the same information as the preliminary hardcopy submission shall be referenced to the town's geographic reference system and shall be digitally submitted to the planning department. See submission requirement details in section 78-215(c)(4)a.

(Ord. of 2-18-1986, art. 7, § 7.2; Ord. of 4-1-2003, § 2; Ord. of 4-21-2009(3))

Footnotes:

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See appendix ix attached to the ordinance from which this chapter derives.

Secs. 74-208—74-230. - Reserved.

Subdivision III. - Final Plan

Sec. 74-231. - Procedure.

- (a) The subdivider shall, within six months after the preliminary approval of the preliminary plan of a major subdivision, file with the planning board an application in the form [9](#) described in this subdivision. 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 resubmission of the preliminary plan. All applications for a final plan approval for major subdivisions

shall be accompanied by a fee as specified in the schedule of license, permit and application fees in appendix A of this Code, payable by check to the town, stating the specific purpose of the fee.

- (b) The time of submission of the subdivision plan shall be as defined in section 74-1.
- (c) If the proposed subdivision is also reviewable by the state department of environmental protection (DEP) under the Site Location Act or The Alteration of Coastal Wetlands Act, department of environmental protection review should occur after preliminary plan approval but before final plan approval. Coordinating reviews by state and local authorities helps to expedite the entire review process and helps applicants to satisfy all relevant provisions without having to later revise or amend a plan which has already been approved by one of the two reviewing bodies.
- (d) Water supply system proposals contained in the subdivision plan shall be approved in writing by the following:
 - (1) The servicing water department if existing public water service is to be used;
 - (2) The state department of human services if the subdivider proposes to provide a central water supply system; or
 - (3) A civil engineer registered in the state if individual wells serving each building site are to be used.

The planning board may also require the subdivider to submit the results of water quality tests as performed by the state department of human services. Such approval shall be secured before official submission of the final plan.

- (e) Sewage disposal system proposals contained in the subdivision plan shall be properly endorsed and approved in writing by the following:
 - (1) The servicing sanitary sewer district if existing public disposal systems are to be used;
 - (2) The state department of human services 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
 - (3) The state department of environmental protection if the municipal system to be utilized is inadequate by state standards 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.

- (f) A public hearing may be held by the planning board within 30 days after the time of receipt of a completed application for the final plan for approval. This hearing shall be advertised in the newspaper of local circulation at least two times, the date of the first publication to be at least seven days before such hearing, and notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. In addition, notice of such hearing shall be forwarded to the regional planning commission of which the town is a member. Where a subdivision is located within 500 feet of a municipal boundary, a public hearing shall be held. The planning board shall notify the clerk and the planning board of the adjacent municipality involved at least ten days prior to the hearing. Comments and recommendations made by the planning board of the adjacent municipality shall be given due consideration in the deliberations and decision-making process of the planning board.
- (g) Before the planning board grants approval of the final plan, the subdivider shall meet the performance guarantee requirements contained in article III of this chapter.
- (h) The planning board shall, within 30 days from the public hearing or within 60 days of receiving a completed application if no hearing is held, approve, modify and approve or disapprove the final plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the planning board. Failure of the planning board to act within such a period shall constitute disapproval of the final plan.

(Ord. of 2-18-1986, art. 8, § 8.1; Ord. of 10-8-1986)

Footnotes:

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See appendix xi attached to the ordinance from which this chapter derives.

Sec. 74-232. - Inspection of required improvements.

- (a) At least five days prior to commencing construction of required improvements of a major subdivision, the subdivider shall notify the code enforcement officer 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 ensure that all municipal specifications and requirements shall be met during the construction of required improvements and to ensure the satisfactory completion of improvements and utilities required by the planning board.
- (b) If the code enforcement officer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements has not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the municipal officers 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 town's rights under the bond. No plan shall be approved by the planning board as long as the subdivider is in default on a previously approved plan.
- (c) If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the code enforcement officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the code enforcement officer may, upon 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 alteration of the function of any improvements required by the planning board. The code enforcement officer 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.
- (d) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the town council.

(Ord. of 2-18-1986, art. 8, § 8.2)

Sec. 74-233. - Submissions.

- (a) The final plan [\[10\]](#) of the major subdivision shall consist of three copies 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 the following:
 - (1) All of the information presented on the preliminary plan and location map and any amendments thereto suggested or required by the planning board.
 - (2) The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.
 - (3) Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
 - (4) Sufficient data acceptable to the road commissioner 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.

- (5) 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.
 - (6) 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.
 - (7) Lots and blocks within the subdivision numbered in accordance with local practice.
 - (8) Permanent reference monuments shown as "X." They shall be constructed in accordance with specifications in this chapter and their location noted and referenced upon the final plan.
- (b) There shall be submitted the following to the planning board with the final plan:
- (1) Written offers of cession to the town 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.
 - (2) Written evidence that the municipal officers are satisfied with the legal sufficiency of the documents referred to in subsection (b)(1) of this section. Such written evidence shall not constitute an acceptance by the town of any public open space referred to in subsection (b)(1) of this section.
 - (3) A performance bond to secure completion of all improvements required by the planning board and written evidence that the municipal officers are satisfied with the sufficiency of such bond.
 - (4) A copy of the receipt for the fee paid to the town treasurer for final plan.
 - (5) Digital submission requirements. All final plan sheets must be submitted in digital format:
 - (1) A PDF image of the final plan sheets containing the same information as the final hardcopy submission shall be digitally submitted to the planning department.
 - (2) The final plans containing the same information as the final hardcopy submission shall be referenced to the town's geographic reference system and shall be digitally submitted to the planning department. See submission requirement details in section 78-215(c)(4)a.

(Ord. of 2-18-1986, art. 8, § 8.3; Ord. of 4-21-2009(3))

Footnotes:

--- (10) ---

See appendix xi attached to the ordinance from which this chapter derives.

Sec. 74-234. - Final approval and filing.

- (a) Upon completion of the requirements in subdivision II of this division and this subdivision above the 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 tax assessor. The plan shall then be filed with the county registry of deeds. Any subdivision plan not so filed or recorded within 90 days of the date upon which such plan is approved and signed by the planning board as provided in this subsection shall become null and void, unless the particular circumstances of the applicant warrant the planning board to grant an extension which shall not exceed two additional periods of 90 days.
- (b) 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 planning board deems necessary in order to ensure the orderly development of the plan. The applicant may file a section of the approved plan with the tax assessor and the registry of deeds if such section constitutes at least ten percent 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 or a period of time mutually agreed to by the municipal officers, the planning board and the subdivider.

(Ord. of 2-18-1986, art. 8, § 8.4)

Sec. 74-235. - Plan revisions after approval.

No changes, erasures, modifications, or revisions shall be made in any major subdivision final plan after approval has been given by the planning board and endorsed in writing on the plan, unless the plan is first resubmitted and the planning board approves any modifications. If a final plan is recorded without complying with this requirement, the final plan shall be considered null and void, and the planning board shall institute proceedings to have the plan stricken from the records of the tax assessor and the registry of deeds.

(Ord. of 2-18-1986, art. 8, § 8.5)

Sec. 74-236. - Public acceptance of streets, recreation areas.

- (a) The approval by the planning board of a major subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement, or other open space shown on such plan.
- (b) 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 town of such areas. The planning board shall require the plan to be endorsed 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.

(Ord. of 2-18-1986, art. 8, § 8.6)

Secs. 74-237—74-265. - Reserved.

ARTICLE V. - REVIEW CRITERIA

Sec. 74-266. - Scope.

In reviewing applications for the subdivision of land, the planning board shall consider the general requirements in this article. In all instances the burden of proof shall be upon the person proposing the subdivision.

(Ord. of 2-18-1986, art. 10, § 10.1)

Sec. 74-267. - Conformance of subdivision plan to comprehensive plan.

Any proposed subdivision shall be in conformity with the town's comprehensive plan or policy statement and with the provisions of all pertinent state and local codes and ordinances.

(Ord. of 2-18-1986, art. 10, § 10.2)

Sec. 74-268. - Relationship to community service.

- (a) Any proposed subdivision may be reviewed by the planning 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 town, which shall include but not be limited to the following:
 - (1) Schools, including busing.
 - (2) Road maintenance and snow removal.
 - (3) Police and fire protection.
 - (4) Solid waste disposal.
 - (5) Recreation facilities.
 - (6) Runoff water disposal drainageways and/or storm sewer enlargement with sediment traps.
- (b) The planning board may further require the developer of a major subdivision to provide accurate cost estimates to the town for the services listed in subsection (a) of this section and the expected tax revenue of the subdivision.

(Ord. of 2-18-1986, art. 10, § 10.3)

Sec. 74-269. - Retention of proposed public sites and open spaces.

- (a) Depending on the size and location of the subdivision, the planning board may require the developer to provide up to ten percent of his total area for recreation. It is desirable that areas reserved for recreation be at least five acres in size and easily accessible from all lots within the subdivision.
- (b) 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 or passive recreation purposes shall have such access as the planning board may deem suitable and shall have no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the planning board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate. Sites should also be located, whenever possible, to improve direct access to sunlight for solar energy systems by providing a buffer from shadows.

(Ord. of 2-18-1986, art. 10, § 10.4)

Cross reference— Space and occupancy, § 34-91 et seq.

Sec. 74-270. - Preservation of natural and historic features.

The planning board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees of a size of six inches 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. Cutting of trees on the northerly borders of the subdivision shall also be avoided as far as possible, to retain a natural wind buffer.

(Ord. of 2-18-1986, art. 10, § 10.5)

Sec. 74-271. - Land not suitable for development.

The planning board shall not approve such portions of any proposed subdivision that:

- (1) Are situated below sea level.
- (2) Are located within the 100-year frequency floodplain as identified by an authorized federal or state agency or, when such identification is not available, are located on floodplain soils identified and described in the National Cooperative Standard Soil Survey, unless the applicant shows proof through the submittal of materials prepared by a registered land surveyor which show that the property in question lies at least two feet above the 100-year frequency flood (elevation not to include filled or made land) or if the applicant presents material which ensures that:
 - a. Proposed developments are consistent with the need to minimize flood damage.
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated and constructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided to reduce exposure to flood hazards.
 - d. New or replacement water supply systems and/or sanitary sewer systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwater, and require that on-site waste disposal systems be located so as to avoid impairment of them or contamination from them during flooding.
 - e. Construction within the 100-year floodplain conforms to the U.S. Army Corps of Engineers floodproofing regulations.
- (3) Are located on land which must be filled or drained or on land created by diverting a watercourse, except the planning board may grant approval if a central sewage collection and treatment system is provided. The planning board shall not approve any part of a subdivision located on filled tidal wetlands or filled or drained great ponds (natural body of water ten acres or more in size).

(Ord. of 2-18-1986, art. 10, § 10.6)

Sec. 74-272. - Blocks.

In subdivision 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 four-foot-wide footpath be included. The planning board shall require the subdivider to provide for the proper maintenance of any such easement.

(Ord. of 2-18-1986, art. 10, § 10.7)

Sec. 74-273. - Lots.

- (a) Lot size and orientation in a subdivision shall also be designed to maximize the use of direct sunlight for solar energy systems.
- (b) Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated. Wherever possible parking areas shall be located to provide a buffer from shadows that interfere with the use of solar energy systems.
- (c) 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 20 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.

- (d) Wherever possible, side lot lines shall run from due north to due south, regardless of the resulting angle of incidence with the street lines, to improve solar access.
- (e) Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the planning board may require that streets and lots be laid out to permit or prohibit future resubdivision in accordance with the requirements contained in this chapter.
- (f) If a lot on one side of a stream, tidal water, road, or other similar barrier fails to meet the minimum requirement lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size of this chapter or for the purposes of on-site disposal.
- (g) Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than 3:1.

(Ord. of 2-18-1986, art. 10, § 10.8)

Sec. 74-274. - Easements for natural drainageways.

Easements for existing watercourses or proposed drainageways in a subdivision shall be provided through a right-of-way at least 30 feet wide, conforming substantially with the lines of existing natural drainage. The capacity of such drainageways shall be in accordance with section 74-277(e) pertaining to surface drainage.

(Ord. of 2-18-1986, art. 10, § 10.9)

Sec. 74-275. - Utilities.

- (a) The size, type and location of public utilities, such as streetlights, electricity, telephones, gas lines, fire hydrants, etc., in a subdivision shall be approved by the planning board and installed in accordance with local practice.
- (b) Utilities shall be installed underground except as otherwise approved by the planning board.
- (c) Utilities shall be installed in a timely manner during street construction to prevent reexcavation of the finished street.

(Ord. of 2-18-1986, art. 10, § 10.10)

Cross reference— Utilities, ch. 58.

Sec. 74-276. - Additional requirements.

- (a) Street trees, esplanades, and open green spaces may be required in a subdivision at the discretion of the planning board. Where such improvements are required, maintained and replaced for a period of one year from planting, they shall be incorporated in the final plan and executed by the subdivider as construction of the subdivision progresses.
- (b) 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 of at least 20 feet wide planted with appropriate shrubbery between abutting properties that are so endangered.

- (c) When proposed buildings are located near each other, shadow projections shall be examined to ensure that solar access to any building is not blocked or substantially reduced.

(Ord. of 2-18-1986, art. 10, § 10.11)

Sec. 74-277. - Required improvements.

- (a) *Generally.* The following are required improvements in a subdivision: monuments, street signs, streets, sidewalks when appropriate, water supply, sewage disposal and storm drainage, except where the planning board may waive or vary such improvements in accordance with this chapter.
- (b) *Monuments.* Monuments shall be provided as follows:
 - (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 stone or granite located in the ground at final grade level and indicated on the final plan. The minimum monument size shall be four inches square at the top and four feet in length. After they are set, drill holes, one-half inch deep, shall locate the point described in this subsection.
- (c) *Water supply.* The water supply shall be in accordance with the following:
 - (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 planning board, service to each lot by a public water system is not feasible, the planning board may allow individual wells to be used.
 - (2) The subdivider shall demonstrate by actual test or by a signed affidavit from an authorized representative of the servicing water company that water meeting Public Health Service, Drinking Water Standards, 1962, can be supplied to the subdivision at the rate of at least 350 gallons per day per dwelling unit and at an adequate pressure for firefighting purposes. For drilled wells, if a minimum of one gallon per minute of potable water is not found at a depth up to 300 feet, additional drilling and casing costs shall be borne by the lot owner.
 - (3) Storage shall be provided as necessary to meet peak domestic demands and fire protection needs.
 - (4) The subdivider shall demonstrate, in the form of signed affidavits from the servicing water company or by engineering reports prepared by a civil engineer registered in the state, that the proposed subdivision will not result in an undue burden on the source, treatment facilities or distribution system involved, or shall provide adequate assurance that such source, treatment facility or distribution system will be modified to meet the expanded needs.
 - (5) The minimum water main permitted shall be eight inches and shall be installed at the expense of the subdivider.
 - (6) The water supply system shall be designed and installed in accordance with requirements of the state department of human services.
 - (7) 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 groundwater sources.
 - (8) 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. 1180 (1969).
- (d) *Sewage disposal.* Sewage disposal shall be provided as follows:
 - (1) A sanitary sewer system shall be installed at no expense to the town or sewer district, or if, in the opinion of the planning board, service to each lot by a sanitary sewer system is not feasible, the planning board may allow subsurface sewage disposal to be used. The subdivider shall present

evidence of compliance with the restrictions of the state plumbing code and in conformance with sections 74-153(4) and 74-207(b)(16).

- (2) Where a public sewer line is located within 1,500 feet of a proposed subdivision at its nearest point, the subdivider shall connect with such sewer line, provided the sewer district certifies that extending the services will not be a burden on the system. The minimum diameter sewer line shall be eight inches, unless the sewer district indicates a smaller diameter line will be sufficient, taking into account possible future development.
 - (3) When public sewer connection or a centralized subsurface sewage disposal system handling more than 2,000 gallons per day is proposed, the subdivider shall submit plans designed by a civil engineer registered in the state.
 - (4) When subsurface sewage disposal is proposed, soils evaluation performed by a licensed site evaluator shall be submitted. If any subsurface sewage disposal system requires review and approval by the division of health engineering, department of human services, such review and approval shall be obtained prior to submission of the final plan.
- (e) *Surface drainage.* Standards for surface drainage shall be as follows:
- (1) Where a subdivision is traversed by a watercourse, drainageway or future sewer line or where the planning board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and other property owners, there shall be provided an easement or drainage right-of-way and culverts, catchbasins or other means of channelling surface water within such subdivision and over other properties, of such nature, width and location as the planning board or municipal engineer deems adequate.
 - (2) The developer shall provide a statement from a civil engineer, registered in the state, that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other 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 from roads, parking areas and building excavations, it is not to be removed from the site.
 - (4) Except for normal thinning, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The planning board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.
 - (5) To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline and extending 50 feet inland from all points along the normal high water mark shall be limited in accordance with the following:
 - a. No more than 30 percent of the length of the strip shall be clear cut to the depth of the strip.
 - b. Cutting of this 30 percent shall not create a clear-cut opening in this strip greater than 30 feet wide for every 100 feet of shoreline.
 - c. In the remaining 70 percent length of the strip, cutting shall leave sufficient cover to preserve natural beauty and control erosion.

(Ord. of 2-18-1986, art. 10, § 10.12)

Sec. 74-278. - Planned unit development and cluster development.

- (a) *Purpose.* The purpose of this section is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. To this end, layout, dimensional and area requirements may be altered without restriction, except height limitations.

- (b) *Basic requirements.* Planned unit developments and cluster developments shall meet all the following criteria:
- (1) All planned unit developments and cluster development shall meet the requirements for a residential subdivision, including planning board approval, except those requirements relating to layout, setbacks, frontages and areas.
 - (2) The minimum area of land in a planned unit development shall be ten acres, except where there is public water and sewer.
 - (3) Each building shall be an element of an overall plan for site development, which plan shall identify the location of all proposed roads, structures, parking areas, footpaths, common open space, and private yard space related to individual dwelling units. Only developments having a total site plan for structures will be considered. In respect to the placement of buildings and treatment of spaces, paths, roads, service and parking, the developer shall take into consideration all requirements of this section and of other relevant sections of this chapter.
 - (4) No dwelling shall be constructed on soil classified as being "very poorly" drained.
 - (5) Where a planned unit development or cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
 - (6) All dwelling units in a planned unit development or cluster development shall be connected to a common water supply and distribution system, either public or private, at no expense to the town.
 - (7) All structures with required plumbing in a planned unit development or cluster development shall be connected to a public sanitary sewer system, if available, or to a central collection and treatment system in accordance with the sanitation sections of this chapter.
 - (8) Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, solar access, and natural drainage areas, in accordance with an overall plan for site development.
 - (9) For purposes of solar access and fire safety, no building shall contain more than four dwelling units or exceed 35 feet in height. Height shall be measured from the eaves to the average ground grade of an area which is accessible to fire engines.
- (c) *Dedication and maintenance of common open space and services.* Common open space and services shall be dedicated and maintained in accordance with the following:
- (1) All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the dwelling units, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the town.
 - (2) Further subdivision of common land or its use for other than noncommercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.
 - (3) The common open space shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:
 - a. It shall not be used for future building lots; and
 - b. A part of all of the common open space may be dedicated for acceptance by the town for operation as a municipal recreation facility.
 - (4) If any or all of the common open space and services are to be reserved for use by the residents, the bylaws of the proposed neighborhood association shall specify maintenance responsibilities and shall be submitted to the planning board prior to the final plan approval.
 - (5) Covenants for mandatory membership in the association setting forth the owner's rights and interest and privileges in the association or trust and the common land shall be reviewed by the planning board and included in the deed for each lot or dwelling.

- (6) This neighborhood association shall have the responsibility of maintaining the common open space and services, roads and other private facilities.
 - (7) The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of open space and services, neighborhood recreational facilities and village assessments.
 - (8) The developer or subdivider shall maintain control of such open space and services and shall be responsible for their maintenance until development sufficient to support the association has taken place or, alternatively, the objectives of clustering have been met.
- (d) *Siting and buffering standards.* Standards for siting and buffering shall be as follows:
- (1) Buildings shall be oriented with due respect to scenic vistas, natural landscape features, topography, south-facing slopes where possible, and natural drainage areas, in accordance with an overall plan for site development and landscaping. A site inspection shall be conducted by the planning board prior to approval.
 - (2) Buildings shall be so designed and laid out to protect bedroom windows from night invasion by vehicle headlights or glare from existing outdoor lighting or illuminated signs, insofar as practicable. However, orientation of buildings for passive solar heat or views shall take precedence.
 - (3) Where parking spaces or storage areas are to be located in areas abutting existing residential properties, a permanent screen at least four feet high shall be erected along the property line, in place of the green perimeter strip described in subsection (d)(4) of this section.
 - (4) A green perimeter strip not less than 20 feet wide shall be maintained with grass, bushes, flowers or trees all along each side lot line or rear lot line and, except for entrance and exit driveways, along the entire front line of such lot. Such green perimeter strip shall not be built on or paved or used for parking or storage.
 - (5) The front of each multifamily residential building shall be landscaped with a continuous border of closely spaced hardy native evergreen shrubs, such as juniper, yew and arborvitae. Street trees of a minimum two-inch diameter at breast height shall be provided at a density of at least one tree per 100 linear feet of circulation road.
 - (6) Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The planning board may require a developer to take appropriate measures to correct and prevent soil erosion in the proposed development.

(Ord. of 2-18-1986, art. 10, § 10.13)

Secs. 74-279—74-305. - Reserved.

ARTICLE VI. - STREET DESIGN AND CONSTRUCTION STANDARDS⁽¹¹⁾

Footnotes:

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Cross reference— Streets, sidewalks and other public places, ch. 50.

Sec. 74-306. - General procedures and requirements.

- (a) The planning board shall not approve any subdivision plan unless proposed streets are designed and constructed in accordance with all state and local ordinances as well as the specifications contained in this chapter. Final subdivision approval by the planning board of a subdivision plan shall not be deemed to constitute or be evidence of acceptance by the town of any street, easement or other open space.
- (b) Subdividers shall submit to the planning board, as part of an integral part of the plot plan and application for subdivision approval, the following information:
 - (1) The applicant's name, address, phone number, signature and date.
 - (2) Names of the owners of record of the land upon which the proposed street is located.
 - (3) A statement of any legal encumbrances on the land upon which the proposed way is located.
 - (4) The anticipated beginning and ending dates of each major phase of street construction.
 - (5) A plan view, centerline view, and typical cross section view of the proposed streets.
- (c) Plans. The plans and illustrations submitted as part of the application shall include the following information:
 - (1) The date and scale of the plan.
 - (2) The direction of magnetic north.
 - (3) The beginning and ending points with relation to accepted town ways, and any planned or anticipated future extensions of the streets proposed for acceptance. All terminal points and the centerline alignment shall be identified by survey stationing.
 - (4) The roadway and roadway limits with relation to existing buildings and established landmarks.
 - (5) Dimensions, both linear and angular, necessary for locating subdivisions, lots, easements, and building lines.
 - (6) The lots as laid out and numbered on the proposed street showing the names of all owners of abutting property.
 - (7) All natural waterways and watercourses in or on land contiguous to the proposed street.
 - (8) The kind, size, location, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and/or watercourses.
 - (9) Complete curve data indicated for all horizontal and vertical curves.
 - (10) The turning radii at all intersections.
 - (11) All centerline gradients.
 - (12) The limits and location of all proposed sidewalks and curbing.
 - (13) The location of all existing and proposed overhead and underground utilities, to include but not be limited to the following:
 - a. Public water supply system.
 - b. Sanitary sewer system.
 - c. Electric power line poles or underground vaults.
 - d. Telephone line poles or underground vaults.
 - e. Fire hydrants.
 - f. Streetlights.
 - g. Fire alarm boxes.

- (d) Upon receipt of an application for subdivision approval which includes proposed streets, the planning board shall confirm, in writing, the classification of the proposed streets. In addition, the planning board shall notify the town council and the road commissioner of the application and its classification and shall request a review and comment of the proposed street plans.
- (e) In addition to other fees for subdivision reviews, the fees which are on file in the town clerk office are established to partially defray the cost of technical, legal, and administrative services required for the review, processing, and inspection of roads and streets. This fee shall be paid by the developer to the town at the time of his application for road and street construction.

(Ord. of 2-18-1986, art. 11, § 11.1)

Sec. 74-307. - Design and construction plans.

- (a) Plans and illustrations submitted in accordance with section 74-306(c) plans shall be designed and prepared by a professional engineer registered in the state. No construction will be permitted until the planning board has approved the plans. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this chapter up to and including that lot.
- (b) Utilities, where available, shall be installed prior to the street construction phase to avoid reexcavation of the finished street.
- (c) Prior to the commencement of each major phase of construction, the code enforcement officer shall be notified.
- (d) Upon completion of street construction and prior to a vote by the town council to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the state shall be submitted to the town council at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements set forth in this article.

(Ord. of 2-18-1986, art. 11, § 11.8)

Sec. 74-308. - Street classification.

- (a) *Definitions.* The following words, terms and phrases pertain to the classification of subdivision streets:
 - Arterial street* means a major thoroughfare which serves as a major traffic way for travel between and through the town.
 - Collector street* means a street servicing at least 15 units of residential development, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.
 - Industrial and commercial streets* means streets servicing these types of developments.
 - Minor street* means a street servicing less than 15 units of residential development.
- (b) *Planning board determination.* The classification of a proposed street shall be made by the planning board after its consideration of land use or a comprehensive plan adopted by the town. Such determination may be made by the planning board prior to the formal application after submission of all information that may be required for that purpose.

(Ord. of 2-18-1986, art. 11, § 11.2)

Sec. 74-309. - Design standards.

- (a) *Generally.* Design standards shall be defined as paved streets with such appurtenances as curbs, esplanades, paved sidewalks, ditches, culverts, underdrain and/or storm water drainage systems. All proposed streets shall be designed and constructed to meet the design standards of this section.
- (b) *Conformance to comprehensive plan or policy statement.* 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 the preliminary plan.
- (c) *Design generally.* All streets in the subdivision shall be so designed that, in the opinion of the planning board, they will provide safe vehicular travel while discouraging movement of through traffic.
- (d) *Direction.* Wherever existing or planned streets, topographical features, and public safety permit, streets shall run in east-west directions, and lots on a north-south axis, to maximize access to direct sunlight for solar energy systems. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.
- (e) *Reservation of easement for dead-end streets.* For dead-end streets, where needed or desirable, the planning board may require the reservation of a 20-foot side easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.
- (f) *Reserve strips.* 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.
- (g) *Commercial use.* In front of areas zoned and designed for commercial use or where a change of zoning to a zone which permits commercial use is contemplated by the town, 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 planning board to ensure 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 50 feet nor have less than two 12-foot travel lanes.
- (h) *Off-street loading space.* Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
- (i) *Railroad right-of-way.* 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.
- (j) *Widening or realignment of narrow roads.* Where a subdivision borders an existing narrow road (below the standards set in this article) 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) purposes." 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 chapter 78.
- (k) *Separation of arterial streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the planning board may require marginal access streets (streets parallel to the 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 nonaccess reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (l) *Connections with existing public streets.* Subdivisions containing 15 lots or more shall have at least two street connections with existing public streets or streets shown on the official map, as such exists, or streets on an approved subdivision plan for which a bond has been filed.

(m) *Design standards according to street classification.* The following design standards apply according to street classification:

Description	Type of Street			
	Arterial	Collector	Minor	Industrial/Commercial
Minimum right-of-way width	80'	50'	50'	80'
Minimum pavement width	44'	24'	20'	44'
Sidewalk width	5'	5'	5'	5'
Minimum grade	0.5%	0.5%	0.5%	0.5%
Maximum grade	5.0%	6.0%	6.0%	5.0%
Minimum centerline radius	800'	230'	150'	800'
Minimum tangent between curves of reverse alignment	300'	200'	100'	300'
Roadway crown	¼"/ft	¼"/ft	¼"/ft	¼"/ft
Minimum angle of street intersections	90°	90°	90°	90°
Maximum grade at intersection (within 75' of intersections)	2%	2%	2%	2%
Curb radii at intersection 90°	30'	20'	15'	30'
Minimum property line radii at intersections	20'	10'	10'	20'
Minimum width of shoulders, each side	3'	3'	3'	9'

Minimum safe sight distances. Where new intersections are proposed to be created, sight distances shall be as shown in the following table. Distances shall be measured along the road onto which traffic will be turning. The speed limit of the road onto which traffic will be turning determines how much sight distance is required for traffic safety.

Posted speed limit (mph)	30	35	40	45	50	55
Passenger cars	300'	350'	400'	450'	500'	550'
Single-unit trucks	415'	475'	540'	600'	675'	750'
Tractor-trailers	530'	615'	700'	840'	975'	1100'

Note: Where it is impossible to meet these sight-distance standards, due to physical conditions, a maximum variance of 30 percent may be permitted, in accordance with the waiver provisions in section 74-34. The 30-percent variance is consistent with the absolute minimum stopping distance requirements on wet pavements established by the state department of transportation.

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- (n) *Centerlines*. The centerline of the roadway shall be the centerline of the right-of-way.
- (o) *Dead-end streets*. Standards as listed under subsection (n) of this section shall be applicable to dead-end streets. In addition, dead-end streets shall be constructed to provide a cul-de-sac turnaround with the following requirements for radii of the turnaround at the terminus of the dead end:
- (1) Property line, 65 feet.
 - (2) Outer edge of pavement, 50 feet.
- (p) *Grades, intersections and sight distances*. Standards for grades, intersections and sight distances shall be as follows:
- (1) Grades of all streets shall conform in general to the terrain and shall not be less than one-half of one percent nor more than five percent for arterial, industrial and commercial streets; six percent for collector streets; or six percent for minor streets in residential zones; but in no case more than two percent within 50 feet of any intersection.
 - (2) All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the planning board so that clear visibility shall be provided for distances specified in subsection (m) of this section for minimum sight distances.
 - (3) 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 200 feet shall be maintained between centerlines of offset intersecting streets.
 - (4) 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 two feet higher than the centerline of the street. If directed, ground shall be excavated to achieve visibility.
- (q) *Sidewalks*. Sidewalks where installed shall meet the following minimum requirements:
- (1) *Bituminous sidewalks*.
 - a. The gravel aggregate subbase course shall be not less than 12 inches in thickness.
 - b. The crushed aggregate base course shall be not less than two inches in thickness.

- c. The hot bituminous pavement surface course shall be not less than two inches in thickness, after compaction.
- (2) *Portland cement concrete sidewalks.*
 - a. The sand base shall be not less than six inches in thickness.
 - b. The Portland cement concrete shall be reinforced with six-inch-square number 10 wire mesh and shall be not less than four inches in thickness.
- (3) *Curbing.* Curbing where installed shall be quarried granite, bituminous concrete or cement and shall be installed on a thoroughly compacted gravel base of six inches minimum, except bituminous curbing shall be installed on a three-inch thick bituminous pad.

(Ord. of 2-18-1986, art. 11, § 11.3)

Sec. 74-310. - Construction standards.

(a) The minimum thickness of materials for subdivision streets after compaction shall be as follows:

Street Materials	Minimum Requirements			
	Arterial	Collector	Minor	Industrial/ Commercial
Aggregate subbase course (maximum sized stone 4")	18"	18"	18"	18"
Crushed aggregate base course	4"	3"	3"	4"
Hot bituminous pavement after compaction				
Total thickness after compaction	3¼"	2½"	2½"	3"
Surface course after compaction	1½"	¾"	¾"	1¼"
Base course after compaction	1¾"	1¾"	1¾"	1¾"

Liquid asphalt. Two applications of asphalt applied at not less than one-half gallon per square yard each.

Hot bituminous pavement conforming to the standards set in this section shall be used on all streets within town or village centers and on all arterial and industrial-commercial roadways. Hot bituminous pavement also shall be used on heavily trafficked streets, through streets, and where deemed necessary by the planning board. Liquid asphalt may be used in more rural areas where the traffic volume is low and where through traffic is minimal. The final determination of the paving materials shall be made by the planning board.

(b) *Preparation.* Streets shall be prepared as follows:

- (1) Before any clearing has started on the right-of-way, the centerline of the new road shall be staked and sidestaked at 50-foot intervals. Limits of clearing shall be marked by stakes or flagging and distances from the centerline shall be obtained from the cross sections.
- (2) Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush, and other objectionable material. All ledges, large boulders, and tree stumps shall be removed from the right-of-way.
- (3) Tree stumps and other organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. Soils which are designated as being "poor" or "very poor" for road fill by the Soil Suitability Guide for Land Use Planning in Maine, as revised in February, 1975, shall be removed from the street site to a depth of two feet below the subgrade and shall be replaced where necessary with soils listed by the Soil Suitability Guide as being good or fair for road fill.
- (4) Side slopes shall not be steeper than a slope of three feet horizontal to one foot vertical and shall be graded, fertilized and seeded. Planting strips shall be limed at the rate of ten pounds of a 10-10-10 fertilizer per 100 square feet or equivalent and seeded with a conservation mix meeting the standards of the county soil and water conservation district.

(c) *Bases and pavement.* Standards for bases and pavement shall be as follows:

- (1) *Bases.*
 - a. *Aggregate subbase course.* Gravel aggregate subbase shall not contain particles of rock exceeding four inches in any dimension.
 - b. *Aggregate base course.* Crushed aggregate base shall not contain particles of rock that will not pass through the two-inch square sieve.
- (2) *Pavement joints.* Where pavement placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical joint.
- (3) *Curbs and gutters.*
 - a. Street curbs and gutters shall be installed as required by the planning board.
 - b. Curbs shall be vertical except when sloped curbs are specifically allowed by the planning board.

(Ord. of 2-18-1986, art. 11, § 11.4)

Sec. 74-311. - Storm drainage design standards.

- (a) Adequate provision shall be made for disposal of all stormwater collected in subdivision streets and areas tributary to the street system and underground water through ditches, culverts, underdrain and/or stormwater drainage systems.
- (b) All stormwater systems shall be designed to meet the criteria of a five-year storm based on rainfall data from weather bureau records in Portland.
- (c) Appropriate conveyances for outlets to drainage systems must be provided. Asphalt-coated steel culverts and asphalt-coated steel pipes or equivalent shall be used where drainage is required.
- (d) In any case, the minimum pipe size for any storm drainage pipe shall be 12 inches. Catchbasins of an appropriate size and type shall be installed where necessary and shall be located generally at the

curbline. Catchbasins shall be placed away from the line of traffic flow; however, they shall be adequate in design and strength to accommodate vehicle traffic.

- (e) Upstream drainage shall be accommodated by an adequately sized system for existing conditions and future potential development in the upstream drainage area or areas tributary to the proposed town way. The adequacy of the proposed system shall be determined by the planning board.
- (f) Existing or future downstream drainage requirements shall be studied to determine the effect of proposed drainage. The applicant shall demonstrate to the satisfaction of the planning board that the storm drainage will not, in any way, overload existing or future storm drainage systems downstream from the proposed street.
- (g) Where open ditches, channels, streams, or natural drainage courses are used either to collect or discharge stormwater, adequately sized perpetual easements shall be provided, and appropriate erosion control measures taken. No stormwater will be permitted to drain across a street or across an intersection.
- (h) Underdrainage system. Where subsurface soils are of the nature to require an underdrainage system, underdrains shall be installed and discharged not to degrade the environment. An underdrainage system shall be installed to properly drain all springs or areas where the groundwater level is too high and would cause a hazard to the stability of the roadway base.

(Ord. of 2-18-1986, art. 11, § 11.5)

Sec. 74-312. - Storm drainage construction standards.

- (a) All material utilized for storm drain construction in a subdivision shall be in conformity with the state Specifications for Highways and Bridges, revision 1968.
- (b) *General construction requirements.* General construction requirements shall be as follows:
 - (1) Trenching shall be accomplished in accordance with all appropriate state and federal safety requirements.
 - (2) Drain alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the planning board.
 - (3) Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. In straight runs, manholes shall be placed at a maximum of 400-foot intervals.
 - (4) Where necessary, outlets shall be terminated in an end wall of concrete construction or shall be riprapped to prevent erosion or other appropriate measures taken. Facilities for energy dissipation shall be provided where necessary.

(Ord. of 2-18-1986, art. 11, § 11.6)

Sec. 74-313. - Additional improvements and requirements.

- (a) *Erosion control.* Procedures shall be undertaken, both during preparatory, construction, and cleanup stages for subdivision streets, to prevent soil erosion and water pollution. A plan shall be prepared meeting the standards of the county soil and water conservation district.
- (b) *Cleanup.* Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire road or street right-of-way.
- (c) *Street names, street signs, streetlights.* Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the town and shall be subject to the approval of the planning board. Street name signs shall be furnished and installed by the developer.

The type, size, and location shall be subject to the approval by the planning board. Street lighting shall be installed as required by the planning board.

(Ord. of 2-18-1986, art. 11, § 11.7)