

Town of Union Subdivision Ordinance



A True Copy Attest

Union Town Clerk
Date: _____

Adopted in April 1990
Retyped January 2012
Amended June 18, 2012
Amended June 15, 2015
Amended November 5, 2019

**SUBDIVISION ORDINANCE FOR THE TOWN OF UNION, MAINE
TABLE OF CONTENTS**

Section 1.	Purposes	1
Section 2.	Authority and Administration	2
	A) Authority	2
	B) Administration	2
Section 3.	Definitions.....	2
Section 4.	Administration Procedure	6
	A) Purpose	6
	B) Agenda	6
Section 5.	Preapplication	7
	A) Procedure	7
	B) Submission.....	7
	C) Contour Interval and On-Site Inspection	7
	D) Rights Not Vested.....	7
	E) Following Sketch Plans.....	7
Section 6.	Minor Subdivisions.....	7
	A) General.....	7
	B) Procedure	8
	C) Submissions	8
Section 7.	Preliminary Plan for Major Subdivisions	10
	A) Procedure	10
	B) Submissions	12
	1) Location Map.....	12
	2) Preliminary Plan	12
Section 8.	Final Plan for Major Subdivisions	15
	A) Procedure	15
	B) Submissions	17
	C) Final Approval and Filing.....	18
Section 9.	Enforcement.....	19
	A) Inspection of Required Improvements.....	19
	B) Violations and Enforcement	20
Section 10.	General Standards (Major and Minor).....	21
	A) Conformance with Comprehensive Plan	21
	B) Retention of Open Space and Natural or Historic Features.....	21

Town of Union Subdivision Ordinance – November 5, 2019

C) Lots	22
D) Utilities	23
E) Required Improvements	23
1) Monuments	23
2) Water Supply	24
3) Sewage Disposal.....	24
4) Surface Drainage	25
F) Land Features	25
G) Cluster Development	25
H) Dedication and Maintenance of Common Open Space and Services.....	26
I) Construction in Flood Hazard Area	27
Section 11. Street and Storm Drainage Design and Construction Standards	27
A) General Requirements	27
B) Street Design Standards	28
Chart.....	29
C) Street Construction Standards.....	30
D) Storm Water Management Design Standards.....	32
E) Storm Drainage Construction Standards	33
F) Additional Improvements and Requirements.....	33
G) Certification of Construction	34
Section 12. Performance Guarantees	34
A) Types of Guarantees	35
B) Contents of Guarantees	35
C) Escrow Account	35
D) Performance Bond	35
E) Letter of Credit.....	35
F) Phasing of Development	35
G) Release of Guarantee	35
H) Default	35
I) Private Roads.....	36
J) Improvements Guaranteed	36
Section 13. Waivers	36
Section 14. Appeals	36
Section 15. Development Impact Fees.....	36
A) Conducting the Assessment.....	37

SECTION 1. PURPOSES

The purposes of this Ordinance are to assure the comfort, convenience, safety, health, and welfare of the people of the Town of Union, to protect the environment and to promote the orderly development of an economically sound and stable community. To this end, in approving Subdivisions within the Town of Union, Maine, the Planning Board shall consider the following criteria, and before granting approval shall make written findings of fact that the provisions of these regulations have been met and that the proposed Subdivisions will meet the guidelines of Title 30-A MRSA, Chapter 187, Subchapter 4.

The Subdivision:

- 1.) will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoil and their ability to adequately support waste disposal; the slope of the land and its effects on effluents;
- 2.) has sufficient water available for the reasonably foreseeable needs of the Subdivision;
- 3.) will not cause an unreasonable burden on an existing water supply;
- 4.) 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.) will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed;
- 6.) will provide for adequate solid and sewage waste disposal;
- 7.) will not cause an unreasonable burden on the ability of the Town of Union to dispose of solid waste and sewage if town services are to be utilized;
- 8.) will not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to Union’s ponds, lakes, and rivers; and
- 9.) is in conformance with Union’s Comprehensive Plan.
- 10.) The Subdivider has proven adequate financial and technical capacity to meet the above-stated standards.
- 11.) Whenever situated in whole or in part, within two hundred fifty (250) feet of any pond, lake, or river, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water.

- 12.) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- 13.) All principal structures within the Subdivision shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation as established by the most current FEMA Maps.

SECTION 2. AUTHORITY AND ADMINISTRATION

A.) Authority

- 1.) These standards have been prepared in accordance with the provisions of Title 30-A MRSA, Chapter 187, Subchapter 4.
- 2.) These standards shall be known and may be cited as “Subdivision Ordinance of the Town of Union, Maine.”

B.) Administration

- 1.) The Planning Board of the Town of Union, hereinafter called the Board, shall administer this Ordinance.
- 2.) The provisions of this Ordinance shall pertain to all land proposed for Subdivision as defined in Title 30-A MRSA, Chapter 187, Subchapter 4, within the boundaries of the Town of Union.

SECTION 3. DEFINITIONS

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

CLUSTER SUBDIVISION:

A Subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space owned in common by lot/unit, owners, the town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

COMPLETE APPLICATION:

An application shall be considered complete upon submission of the required fee and all information required by these Ordinances for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that the application is complete.

COMPREHENSIVE PLAN or POLICY STATEMENT:

Any part or element of an overall plan or policy for development of the municipality as defined in Title 30-A M RSA, Subsection 4326.

CONTIGUOUS LOTS:

Lots which adjoin at any line or point or are separated at any point by a body of water.

DEVELOPED AREA:

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

DRIVEWAY:

A vehicular accessway serving two (2) dwelling units or less.

DWELLING UNIT:

A room or suite of rooms used as a habitation which is separate from other such rooms or suite of rooms, and which contains independent living, cooking, sleeping, bathing, and sanitary facilities; including single family houses, and the units in a duplex, apartment house, multi-family dwellings, and residential condominiums.

FINAL PLAN:

The final drawings, on which the applicant's plan of Subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

HIGH INTENSITY SOIL SURVEY:

A soil survey conducted by a Certified Soil Scientist, meeting the standards of the national Cooperative Soil Survey, which identifies soil types down to one tenth (1/10) acre or less at a scale equivalent to the Subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

100 YEAR FLOOD:

The highest level of flood that, on the average, is likely to occur once every one hundred (100) years (that has a 1% chance of occurring in any year).

NORMAL HIGH-WATER ELEVATION OF INLAND WATERS:

That line on the shores of banks on non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is the line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, winter green,

partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high-water mark cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks), the normal high water elevation shall be estimated from places where it can be determined by the above method.

INDUSTRIAL PARK or DEVELOPMENT:

A Subdivision in an area zoned exclusively for industrial uses, or a Subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

NET RESIDENTIAL ACREAGE:

The total acreage available for the Subdivision and shown on the proposed Subdivision plan, minus the area of the streets of access areas which are unsuitable for development as outlined in Section 1.11.2 in the Land Use Ordinance.

NET RESIDENTIAL DENSITY:

The average number of dwelling units per net residential acre.

OFFICIAL SUBMITTAL DATE:

The date upon which the Board issues a receipt indicating a complete application has been submitted.

PERSON:

Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

PLANNED UNIT DEVELOPMENT:

A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

PLANNING BOARD:

The Planning Board of the Town of Union, pursuant to Title 30-A M RSA, Chapter 187, Subchapter 4.

PRELIMINARY SUBDIVISION PLAN:

The preliminary drawings indicating the layout of the Subdivision to be submitted to the Board for its consideration.

RECORDING PLAN:

A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer or an interest in the property, such as sewer and water line locations and sizes.

RESUBDIVISION:

The division of an existing Subdivision or any change in the plan for an approved Subdivision which affects the lot lines, including land transactions by the Subdivider not indicated on the approved plan.

SOLAR COLLECTION:

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 to a building's energy supply.

SOLAR ENERGY SYSTEM:

A complete design or assembly consisting of a solar energy collector, and energy storage facility (when used), and components for the distribution of transformed energy.

STREET:

Public and private ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on Subdivision plans designated as rights-of-way.

Street Classifications:

ARTERIAL STREET: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: Route 17 (Heald Highway).

COLLECTOR STREET: A street with average daily traffic of two hundred (200) vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

MINOR STREET: A street servicing only residential properties and which has an average daily traffic of less than two hundred (200) vehicles per day.

PRIVATE RIGHT OF WAY: A privately owned road, driveway for vehicle access to structures or uses on lots.

CUL-DE-SAC: A street with only one outlet and having the other end for the reversal of traffic movement.

SUBDIVISION:

The division of a tract or parcel of land into three (3) or more lots within any five (5) year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption (unless the intent of such gift is to avoid the objectives of these Ordinances), or by transfer or any interest in land to

the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of these ordinances.

In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two (2) lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create the third lots, unless both such dividings are accomplished by a subdivider who shall have retained one (1) of such lots for his own use as a single family residence for a period of at least five (5) years prior to such second dividing. Lots of forty (40) or more acres shall not be counted as lots.

For the purpose of these Ordinances, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

SUBDIVISION, MAJOR:

Any Subdivision containing more than four (4) lots or dwelling units, or any subdivision containing a proposed street or any subdivision requiring extension of street or services and/or four (4) buildings on same land.

SUBDIVISION, MINOR:

Any subdivision containing not more than four (4) lots or not more than four (4) building/dwelling units, and in which no street is proposed to be constructed.

TRACT, OR PARCEL, OF LAND:

All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream, or a private road established by the abutting landowners.

SECTION 4. ADMINISTRATION PROCEDURE

A.) PURPOSE

The purpose of this section is to establish an orderly, equitable, and expeditious procedure for receiving and reviewing Subdivision applications.

B.) AGENDA

Applicants shall request to be placed on the Board's agenda at least fourteen (14) days in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the 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.

SECTION 5. PREAPPLICATION

A.) PROCEDURE

- 1.) Applicant submits Preliminary Presentation Form and Sketch Plans.
- 2.) Question and Answer period. Board makes specific, preliminary, suggestions to be incorporated by the applicant into subsequent submissions; and
- 3.) Scheduling of on-site inspection.

B.) SUBMISSION

The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the Assessors Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision.

C.) CONTOUR INTERVAL AND ON-SITE INSPECTION

Within thirty (30) days, the Board may determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision, and may hold an on-site inspection of the property.

D.) RIGHTS NOT VESTED

The submittal of review of the Preapplication Sketch Plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, MRSA, ss 302.

E.) FOLLOWING SKETCH PLANS

Site clearing shall be limited to that required for test pits and surveying, unless prior approval is granted by a majority vote of the Board.

SECTION 6. MINOR SUBDIVISIONS

A.) GENERAL

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

B.) PROCEDURE:

- 1.) Within six (6) months after the on-site inspection by the Board, the Subdivider shall submit an “Application for the Approval of the Final Plan” at least fourteen (14) days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- 2.) All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee as set by the Board of Selectmen, payable by check to the Town of Union – Planning Board Account. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification (not to exceed \$150.00).
- 3.) Ten (10) days prior to the presentation of a Final Plan, the Subdivider shall notify all abutting property owners and all owners of property across the street from the proposed Subdivision of the date, time and location of the Final Presentation. The Subdivider shall furthermore certify to the Board that the above landowners have been notified.
- 4.) The Subdivider, or his/her duly authorized agent, shall attend the meeting of the Planning Board to discuss the Preliminary and Final Plan.
- 5.) Upon determination that a complete application has been submitted for a review, the Board shall issue a dated receipt to the Subdivider, if appropriate.
- 6.) If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application and shall publish notice of the application pending, date, time, and place of the hearing in the local newspaper at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing.
- 7.) Within thirty (30) days of a public hearing, or within sixty (60) days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the Subdivider, the Board shall make a written finding of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reason for any conditions or denial.

C.) SUBMISSIONS:

The Subdivision plan for a Minor Subdivision shall consist of two (2) reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office, and three (3) copies of one (1) or more maps or drawings, drawn to a scale of not more than one hundred (100) feet to the inch. Plans for

Subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred (200) feet to the inch, provided all necessary details can easily be read. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the border lines on the left side for binding and a 1-inch margin outside the border along the remaining sides. Space shall be provided for endorsements by the Board. Three (3) copies of all information accompanying the plan shall be submitted.

The application for approval of a Minor Subdivision shall include the following information:

- 1.) Proposed name of the Subdivision, or identifying title, Zoning District, proposed use, and the name of the municipality in which it is located, plus the Assessors Map and Lot number for all properties contained in the Subdivision.
- 2.) A field survey of the boundary lines of the tract, giving complete descriptive data by bearing and distance, made and certified by a licensed surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall include the type of monument set or found at each lot corner.
- 3.) A copy of any deed restrictions intended to cover all or part of the lots in the Subdivision.
- 4.) Indication of the type of sewage disposal to be used in the Subdivision.
 - a.) When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Sewer District stating the District has the capacity to collect and treat the wastewater shall be provided.
 - b.) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analysis, prepared by a Licensed Site Evaluator, shall be provided demonstrating adequate soils for subsurface sewage disposal of each lot. A map showing the location of all test pits dug on the site shall be submitted.
- 5.) Indication of the type of water supply system(s) to be used in the Subdivision.

If the water supply is proposed to be from private wells, then statements from the majority of the abutting landowners (on either side of the road, if applicable), a minimum of four (4), shall be supplied.

The statement shall include:

- history of water contamination, if any, and
- history of inadequate water yield, if any.

If the Board suspects groundwater problems, then additional statements of water history shall be supplied by the abutting or neighborhood landowners to the Planning Board at the Board's selection. If the Subdivider cannot supply the above information, a hydrologic study demonstrating that water contamination and supply will not affect the proposed development shall be submitted to the Planning Board.

When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, shall be submitted.

- 6.) The date the plan was prepared, north point, graphic map scale and Zoning District, name and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners.
- 7.) A copy of the portion of the county Soil Survey covering the Subdivision.
- 8.) Contour lines at the interval specified by the Planning Board showing elevations in relation to Mean Sea Level (normally 20-foot intervals).
- 9.) If any portion of the Subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan, established by the most current FEMA maps.

SECTION 7. PRELIMINARY PLAN FOR MAJOR SUBDIVISION

A.) PROCEDURE

- 1.) Within six (6) months after the on-site inspection by the Board, the Subdivider shall submit an application for approval of a Preliminary Plan at least ten (10) days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- 2.) All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee as set by the Board of Selectmen, payable by check to the Town of Union Planning Board Account. In addition, the applicant shall pay a fee of \$200.00 per lot or dwelling unit to be deposited in a special account designated for that subdivision application to be used by the Planning Board for hiring independent consulting services to review the application. If the balance of the special account is depleted, the applicant shall be required to finance any further consulting services deemed necessary by the Planning Board. Any balance in the account remaining after a final decision on the subdivision application by the Board shall be returned to the applicant.

- 3.) The Subdivider, or his/her duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- 4.) Upon receipt of an application for Preliminary Plan approval of a Major Subdivision, the Board shall notify in writing all owners of abutting property that an application for Subdivision approval has been submitted.
- 5.) Within thirty (30) days of receipt of a Preliminary Plan application form and fees, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
- 6.) Within seven (7) days of the receipt of a soil erosion and sedimentation control plan as set forth in Section 7. B.2.R., the Board shall forward said application materials to the Knox and Lincoln Soil and Waste Conservation District.
- 7.) The Board may hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application and shall publish notice of the date, time, and place of the hearing a newspaper of general circulation in the municipality at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

The Board shall provide an opportunity for the public to speak at the Preliminary Plan meeting.

- 8.) The board shall, within thirty (30) days of a public hearing, or within sixty (60) days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the Subdivider, make findings of the fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify for ??? any conditions or denial.
- 9.) When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
 - a.) The specific changes which it will require in the Final Plan;
 - b.) The character and extent of the required improvements for which waivers may have been requested and which, in the Board's opinion, may be waived without jeopardy to the public health, safety, and general welfare; and
 - c.) The amount of all performance guarantees which it will require as prerequisites to the approval of the Final Plan.

- 10.) Approval of the Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these Ordinances and the condition of the preliminary approval, if any, including payment of any fees due. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the Subdivision or as a result of new information received.

B.) SUBMISSIONS

- 1.) *Location Map.* The preliminary Plan shall be accompanied by a location map adequate to show the relationship of the proposed Subdivision to the adjacent properties and to allow the Board to locate the Subdivision within the municipality. The Location Map shall show:

- a.) Existing Subdivisions in the proximity of the proposed Subdivision.
- b.) Locations and names of existing and proposed streets.
- c.) Boundaries and designations of Zoning Districts.
- d.) An outline of the proposed subdivision and any remaining portions of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

- 2.) *Preliminary Plan.* The Preliminary Plan shall be submitted in three (3) copies or one (1) or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred (100) feet to the inch. The Board may allow plans for Subdivisions containing more than one hundred (100) acres to be drawn to a scale of not more than two hundred (200) feet to the inch, provided all necessary details can easily be read. In addition, one (1) copy of the plan reduced to size or 8.5 x 11 inches and all accompanying information shall be provided to the Town of Union no less than ten (10) days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:

- a.) Proposed name of the Subdivision and the name of the municipality in which it is located, plus the tax assessors map and lot numbers.
- b.) An actual field survey of the boundary lines of the tract, giving complete descriptive data and bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

- c.) A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-ways, or other encumbrances currently affecting the property.
- d.) A copy of any covenants of deed restrictions intended to cover all or part of the lots in the Subdivision.
- e.) Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level (normally 20-foot intervals).
- f.) The number of acres within the proposed Subdivision, location of property lines, existing buildings, watercourses, vegetation cover types, and other essential existing physical features.
- g.) Indication of the type of sewage disposal to be used in the Subdivision.
 - i.) When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Sewer District indicating there is adequate capacity with the District's system to transport and treat the sewage shall be submitted.
 - ii.) When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on site shall be submitted.
- h.) Indication of the type of water supply system(s) to be used in the Subdivision.

If the water supply is proposed to be from private wells, then statements from the majority of the abutting landowners (on either side of the road, if applicable), a minimum of four (4), shall be supplied. The statements shall include:

- history of water contamination, if any, and
- history of inadequate water yield, if any.

If the Board suspects groundwater problems, then additional statements of water history shall be supplied by abutting or neighborhood landowners to the Planning Board at the Board's selection.

If the Subdivider cannot supply the above information, then a hydrologic study demonstration that water contamination and supply will not affect the proposed development shall be submitted to the Planning Board.

When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the Subdivision and approving the plans for extensions where necessary. When the district's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, shall be submitted.

i.) The date the plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, Subdivider, and individual or company who prepared the plan.

j.) The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the Subdivision.

k.) The location of any zoning boundaries affecting the Subdivision.

l.) The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property being subdivided.

m.) The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the Subdivision.

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

o.) The proposed lot lines with approximate dimensions and lot areas.

p.) All parcels of land proposed to be dedicated to public use and condition of such dedication.

q.) The location of any open space to be preserved and an indication of its improvement and management.

r.) A soil erosion and sedimentation control plan following the contents and standards set forth in the Erosion and Sediment Control and Stormwater Managements guidelines on file in the town office.

s.) A plan for the disposal of surface drainage waters, prepared by a Registered Professional Engineer.

t.) A copy of that portion of the Knox and Lincoln Soil Survey covering the Subdivision. When the medium intensity soil survey shows soil, which is generally unsuitable for the use proposed, the Board may require the

submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

u.) If any portion of the Subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

SECTION 8. FINAL PLAN FOR MAJOR SUBDIVISION

A.) PROCEDURE

- 1.) The Subdivider shall, within six (6) months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within six (6) months after the Preliminary Plan approval, the Board may refuse without prejudice to act on the Final plan and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.
- 2.) All applications for Final Plan approval for Major Subdivision shall be accompanied by an application fee as set by the Board of Selectmen payable by check to the Town of Union. If a public hearing is deemed necessary by the Board, an additional fee of fifty dollars (\$50.00) shall be required to cover the costs of advertising and postal notification.
- 3.) The Subdivider, or his/her duly authorized agent, shall attend the meeting of the Board to discuss the Final Plan.
- 4.) Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the Subdivider. The Board shall determine whether to hold a public hearing on the Final Plan application.
- 5.) Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate.
 - Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.
 - The servicing water utility if an existing public water service is to be used.
 - Maine Department of Human Services, if the Subdivider proposes to provide a central water supply system.

- The servicing sewer district if an existing public sewage disposal system is to be used.
 - Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
- 6.) A public hearing may be held by the Planning Board within thirty (30) days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two (2) times, the date of the first publication to be at least seven (7) days before the hearing, and the notice of the hearing shall be posted in at least two (2) prominent places at least seven (7) days prior to the hearing.

When a subdivision is located within five hundred (500) feet of a municipal boundary, and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least ten (10) days prior to the hearing.

- 7.) The Planning Board shall notify by policy form letter the Road Commissioner, School Superintendent, Police Chief, and Fire Chief of the proposed Subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial, or industrial buildings. The Planning Board shall request that the Town Officials comment on the proposed Subdivision.
- 8.) Before the Board grants approval of the Final Plan, the Subdivider shall meet the performance guarantee requirements contained in Section 12.
- 9.) If the Subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan.
- 10.) The Board, within thirty (30) days from the public hearing or within sixty (60) days of receiving a complete application, if no hearing is held, shall make findings of fact and conclusions relative to the standards contained in Title 30-A MRS Chapter 187, Subchapter 4, and in these Ordinances. If the Board finds that all standards of the Statute and these Ordinances have been met, they shall approve the Final Plan. If the Board finds that any of the Statutes and these Ordinances have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the Subdivision. The reasons for any conditions shall be stated in the records of the Board.

B.) SUBMISSIONS

The Final Plan shall consist of one (1) or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch. Plans for Subdivisions containing more than one hundred (100) acres may be drawn to a scale of no more than two hundred (200) feet to the inch. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size and shall have a margin of two (2) inches outside the border line on the left side for binding and a 1-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. One reproducible, stable-based transparent original, to be recorded at the Registry of Deeds, and three (3) copies of the plan shall be submitted. In addition, one copy of the Final Plan, reduced to a size of 8.5 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven (7) days prior to the meeting.

The application for approval of the Final Plan shall include the following information:

- Proposed name for the Subdivision and the name of the municipality in which it is located, plus the Assessors Map and Lot Numbers.
- The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the Subdivision. The Plan shall contain sufficient data to allow the location, bearing, and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the angles of curves, tangent distances, and tangent bearings for each street shall be included.
- The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the Subdivision.
- All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained, shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Planning Board members are satisfied with the legal sufficiency of the written offer of cession shall be included.
- A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality, or quasi-municipality district. These lists shall include but not be limited to:

- Schools, including busing
- Street maintenance and snow removal
- Police and fire protection
- Solid waste disposal
- Recreation facilities
- Stormwater drainage
- Wastewater treatments
- Water supply

The Developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the Subdivision.

- If any portion of the Subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

C.) FINAL APPROVAL AND FILING

- 1.) No plan shall be approved by the Planning Board as long as the Subdivider is in default on a previously approved plan.
- 2.) Upon finding of fact and determination that all standards in Title 30-A M RSA, Chapter 187, Subchapter 4, and these Ordinances have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reason for any conditions or denial. One copy of the signed Plan shall be retained by the Board as part of its permanent records. One copy of the signed Plan shall be forwarded to the Tax Assessor.

One copy of the signed Plan shall be forwarded to the Code Enforcement Officer. Any Subdivision not recorded in the Registry of Deeds within one hundred twenty (120) days of the date upon which the Plan was approved and signed by the Board shall become null and void.

- 3.) At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two (2) or more sections, subject to any condition the Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed Subdivision informs the Board that their department or district does not have adequate capital facilities to service the Subdivision, the Board shall require the Plan to be divided into two (2) or more sections, subject to any conditions the Board deems necessary in order to allow the orderly planning, financing, and provision of public services to the Subdivision. If the superintendent of schools indicates that there is less than 10% excess classroom capacity existing in the school(s) which will serve that Subdivision, in considering previously approved, but not yet built, Subdivision, the Board shall require the Plan to be divided into sections to prevent classroom overcrowding.

- 4.) No changes, erasures, modifications or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modification, except in accordance with Section 9, A, 3. The Board shall make finding that the revised Plan meets the standards of Title 30-A MRSA, Chapter 187, Subchapter 4, and these regulations. In the event that a Plan is recorded without complying with these requirements, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stripped from the record of the Registry of Deeds.
- 5.) The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such Plan. When a park, playground, or other recreation area shall have been shown on the Plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the filing of a written agreement between the applicant and the Planning Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- 6.) Failure to commence substantial construction of the Subdivision within two (2) years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determination that a Subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

SECTION 9. ENFORCEMENT

The Subdivider shall, prior to commencing construction, be responsible for coordinating a meeting to be held in the Union Town Office to which the Code Enforcement Officer, the Road Commissioner, and representatives of all utilities, water and sanitary district shall be invited to attend. The Subdivider shall present the construction program and schedule to those present at that meeting.

A.) INSPECTION OF REQUIRED IMPROVEMENTS:

- 1) At least five (5) days prior to commencing each major phase of construction or required improvements, the Subdivider or? builder 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 assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

- 2) If the inspecting official finds upon inspection of the improvements that any of the improvements have not been constructed in accordance with the plans and specifications filed by the Subdivider, he shall so report in writing to the Municipal Officers, who shall take any steps necessary to preserve the municipality's rights.
- 3) If at any time before or during the construction of the required improvements it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modification due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised Plan shall be filed with the Town. For major modification, such as relocation of rights-of-ways, property boundaries, changes of grade by more than one percent, etc., the Subdivider shall obtain permission to modify the plans from the Board.
- 4) Prior to the sale of any lots, the Subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the Plan has been installed.
- 5) Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to a Town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers, at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- 6) The Subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality.

B.) VIOLATIONS AND ENFORCEMENT

- 1.) A plan of a division of land within the municipality which would constitute a Subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.
- 2.) No person, firm, corporation, or other legal entity may convey, offer, or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- 3.) No person, firm or corporation, or other legal entity may convey, offer, or agree to convey any land in an approved Subdivision which is not shown on the Final Plan as a separate lot.

- 4.) Any person, firm, corporation, or other legal entity who conveys, offers, or agrees to convey any land in a Subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than two thousand five hundred dollars (\$2,500.00) for each such conveyance, offering, or agreement. The municipality may institute proceedings to enjoin the violation of this Section and may collect attorney's fees and court costs if it is the prevailing party.
- 5.) No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a Subdivision for which a Final Plan has not been approved by the Board.
- 6.) Development of a Subdivision without Board approval shall be a violation of the law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.
- 7.) No lot in a Subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot's front is completed in accordance with these regulations, up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

SECTION 10 GENERAL STANDARDS (MAJOR AND MINOR)

In reviewing applications for a Subdivision, the Board shall consider the following general standards and make findings in writing that each has been met prior to the approval of a Final Plan. In all instances, the burden of proof shall be upon the applicant.

A.) CONFORMANCE WITH COMPREHENSIVE PLAN

All proposed Subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent State and local codes and Ordinances.

B.) RETENTION OF OPEN SPACES AND NATURAL OR HISTORIC FEATURES

- 1.) In any Subdivision larger than thirty-five (35) acres, or more than twenty (20) lots or dwelling units, the developer shall provide up to ten percent (10%) of his total area as open space. In any Subdivision of thirty-five (35) acres or less, the Board shall request the developer to provide up to ten percent (10%) of his total area as open space. The developer may instead make a payment-in-lieu-of dedication into a municipal land acquisition fund.

- 2.) Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least two hundred (200) feet, and have no major dimensions of less than two hundred (200) feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserves, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
- 3.) Reserved land acceptable to the Board and Subdivider may be dedicated to the municipality as a condition of approval.
- 4.) Land reservation shall be calculated on a basis of one thousand three hundred (1300) square feet per dwelling units proposed, or ten (10) acres per one hundred (100) dwelling units. Where land is not suitable or is insufficient in amount, a payment-in-lieu-of dedication shall be calculated at the market value of land at the time of the subdivision, as determined by the municipal Tax Assessor, and deposited into a land acquisition or improvement fund.
- 5.) The Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than twenty-four (24) inches in diameter breast height, the replacement of trees and vegetation, graded contour, streams, and the preservation of scenic, historic, or environmental significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible to retain a natural wind buffer.

C.) LOTS

- 1.) Lots shall meet the minimum requirements of the Land Use Ordinance for the zoning district in which they are located. Additionally, lots of a Subdivision within the Rural Zone having frontage on the St. George River shall have such shore frontage and lot depth as to meet the standards of Title 30-A MRSA, Chapter 187, Subchapter 4. Lot configuration should be designed to maximize use of solar energy on building sites.
- 2.) Lots with multiple frontages shall be avoided whenever possible. When lots do have frontages on two or more roads, the Plan and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
- 3.) Wherever possible, side lot lines shall be perpendicular to the street.
- 4.) The Subdivision of tracts into parcels, with more than twice the required minimum lot size, shall be laid out in such a manner as either to provide for or preclude future Resubdivision. Where public utilities could be extended

to the subdivision in the foreseeable future, the Subdivision shall be designed to accommodate the extension of utilities.

- 5.) If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream or road to meet the minimum lot size.
- 6.) The ratio of lot length to width shall not be more than three to one (3:1).

D.) UTILITIES

- 1.) Utilities shall be installed underground except as otherwise approved by the Board.
- 2.) Underground utilities shall be installed prior to the installation of the final gravel base of the road.
- 3.) The size, type, and location of the streetlights, electric and gas lines, telephone and other utilities shall be shown on the plan and approved by the Board.

E.) REQUIRED IMPROVEMENTS

The following improvements are required for all Subdivisions unless waived by the Board in accordance with provisions of these regulations.

1.) MONUMENTS

a.) Iron monuments shall be set at all street intersections and points of curvature but no further than seven hundred fifty (750) feet apart along street lines without curves or intersections.

b.) Iron monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the Subdivision boundary is one hundred thirty-five (135) degrees or less.

c.) Iron monuments shall be a minimum of 5/8 inch diameter and four (4) feet in length and set in the ground at final grade level.

d.) All other Subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation.

2.) WATER SUPPLY

a.) When a Subdivision is to be served by a public water system, the complete supply system, including fire hydrants, shall be installed at the expense of the Subdivider.

- The Subdivider shall provide a written statement from the servicing water company or district that adequate water for both domestic and firefighting purposes can be provided without placing an undue burden on the source, treatment facilities, or distribution system involved. The Subdivider shall be responsible for paying the costs of system improvements necessary to serve the Subdivision.
- The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the Fire Chief.

b.) When the location of a Subdivision does not allow for a financially reasonable connection to a public water supply system, the Planning Board may allow the use of individual wells or a private community water system.

- Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other ground water sources and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the Subdivider shall prohibit dug wells by deed restrictions and a note on the Plan.
- If a central water supply system is provided by the Subdivider, the location and protection of the source and the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.
- The Subdivider shall construct ponds and dry hydrants to provide for adequate water storage for firefighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary.

3.) SEWAGE DISPOSAL

Public System

a.) A sanitary sewer system shall be installed at the expense of the Subdivider when there is a public sanitary sewer line located within one thousand (1000) feet of the proposed Subdivision at its nearest point.

b.) The sewer district shall review and approve in writing the construction drawings for the sewage system.

4.) SURFACE DRAINAGE

a.) Where a Subdivision is traversed by a stream, river, or surface water drainage way, or where the Board feels that surface water runoff to be created by the Subdivision should be controlled, there shall be provided easements of drainage rights-of-way of swales, culverts, catch basins, or other means of channeling surface water within the Subdivision and over other properties. This stormwater management system shall be designed by a Registered Professional Engineer.

b.) Drainage easements for existing water courses or proposed drainage ways shall be provided and indicated on the plan at least thirty (30) feet wide, conforming substantially with the lines of existing natural drainage.

c.) The developer shall provide a statement from the designing engineer that the proposed Subdivision will not create erosion, drainage, or runoff problems whether in the Subdivision or in other properties. Where the peak runoff from the Subdivision onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge, shall be obtained.

d.) A stormwater drainage plan showing ditching, culverts, storm drain, easements, and other proposed improvements meeting the standards of Section 11 shall be submitted.

F.) LAND FEATURES

1.) Topsoil shall be considered part of the Subdivision and shall not be removed from the site except for surplus topsoil from roads, parking area, and building excavations.

2.) Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

G.) CLUSTER DEVELOPMENT

See Cluster Development in Article 1 Land Use

H.) DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND SERVICES

- 1.) All common land shall be owned jointly or in common and undivided by the owners of the dwelling units by means of a homeowner's association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.
- 2.) Further Subdivisions of the common land or its use for other than non-commercial, recreation, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial, recreation, or conservation uses may be erected on the common land.
- 3.) The common open space shall be shown on the Final Plan with appropriate notation on the plan to indicate that:
 - It shall not be used for future building lots, and
 - A part or all of the common space may be dedicated for acceptance by the municipality.
- 4.) If any or all of the common open space and services are to be reserved for use by the residents, the by-laws of the proposed homeowner's association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.
- 5.) Covenants for mandatory membership in the homeowner's association setting forth the owner's rights, interest, and privileges in the association and the common property shall be reviewed by the Board and included in the deed for each lot or dwelling.
- 6.) The homeowner's association shall have responsibility of maintaining the common property.
- 7.) The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.
- 8.) The developer or Subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.

I.) CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a Subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the Plan shall indicate that all principal structures on lots in the Subdivision shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation, and all construction must conform to Article 8 of Floodplain Management Ordinances enacted March 9, 1987, or current updates. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

SECTION 11. STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS.

A.) GENERAL REQUIREMENTS

- 1.) The Board shall not approve any Subdivision plan unless proposed streets and storm water management systems are designed in accordance with any local Ordinance or the specifications contained in these regulations. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
- 2.) Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a land view, profile, and typical cross-section of the proposed streets. The plans shall include the following information:
 - Date, scale, and magnetic true north point.
 - Intersections of the proposed street with existing streets.
 - Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
 - Kind, size, location, material, profile, and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 - Complete curve data shall be indicated for all horizontal and vertical curves.
 - Turning radii at all intersections.
 - Center line gradients.
 - Locations of all existing and proposed overhead and underground utilities to include, but not be limited to, water, sewer, electricity, telephone, lighting, and cable vision.

- 3.) Upon receipt of plans for a proposed public street, the Board shall forward one (1) copy to the Municipal Officers and one (1) copy to the Road Commissioner for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Municipal Officers for review and comment.

B.) STREET DESIGN STANDARDS

- 1.) These design standards shall be met by all streets within Subdivisions and shall control the roadways, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
- 2.) Streets shall be designed to discourage through traffic within a residential Subdivision.
- 3.) Wherever existing or other proposed streets, topography, and public safety permit, streets shall run in east-west directions to maximize access for solar energy utilization. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.
- 4.) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the municipality.
- 5.) Where a Subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these Ordinances) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the Subdivision, the Plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment and Paving (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.
- 6.) Where a major Subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the arterial street.
- 7.) The following design standards apply according to street classification:

Table 11.3.7A

Access Category	Low Volume						Medium Volume					
	1-50 ADT			50-100 ADT			100-400 ADT			400-1500 ADT		
Density Pattern	R	V	C	R	V	C	R	V	C	R	V	C
Minimum Right of Way	40'	40'	40'	40'	40'	50'	50'	50'	50'	50'	50'	60'
Minimum Traveled Way Width	14'	16'	16'	18'	18'	24'	18'	20'	28'	18'	20'	30'
Minimum Shoulder Width (each side)*	0'	0'	2'	0'	1'	2'	2'	1'	2'	2'	2'	4'
Clear Zone Width (each side)	7'	7'	7'	7'	7'	7'	7'	7'	7'	8'	8'	8'
Minimum Vertical Clearance**	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'
Minimum Grade	.5%	.5%	.5%	.5%	.5%	.5%	.5%	.5%	.5%	.5%	.5%	.5%
Maximum grade***	8%	8%	8%	8%	8%	8%	8%	8%	5%	6%	6%	5%
Minimum centerline Radius	100'	100'	350'	100'	100'	350'	100'	100'	350'	140'	140'	350'
Roadway Crown Asphalt Surface	.25"/ft for all categories											
Roadway Crown Aggregate Surface	.5"/ft N/A N/A			.5"/ft N/A N/A			.5"/ft N/A N/A			.5"/ft N/A N/A		

Notes:

- * The Board may require an increase in shoulder width for stormwater management purposes or road stabilization. If sidewalk is planned it must meet current ADA standards.
- ** The minimum vertical clearance is the vertical clearance over the entire roadway width, including any shoulders.
- *** Maximum grade may be exceeded if approved by the Board.

- 8.) The centerline of the roadway shall be the centerline of the right-of-way as best as possible.
- 9.) Dead-end Streets. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turnaround with the following minimum requirements for radii: the property line sixty-five (65) feet; outer edge of pavement 50.' The Board may require the creation of a twenty (20) foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty (50) foot easement in line with the street to provide continuation of the road where future Subdivision is possible.
- 10.) Grades, Intersections, and Sight Distances.
 - Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
 - All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.
 - Where new street intersections or driveway curb-cuts are proposed, sight distances, as measures along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance	250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

- 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 minimum distance of two hundred (200) feet shall be maintained between center lines of side streets.

11.) Where installed, sidewalks shall meet these minimum requirements:

a.) Bituminous Sidewalks:

- i.) The gravel aggregate sub-base course shall be no less than twelve (12) inches thick.
- ii.) The crushed aggregate base course shall be no less than two (2) inches thick.
- iii.) The hot bituminous pavement surface course shall be no less than two (2) inches after compaction.

b.) Portland Cement Concrete Sidewalks:

- i.) The sand base shall be no less than six (6) inches thick.
- ii.) The Portland Cement concrete shall be reinforced with six (6) inch square, number ten (10) wire mesh, and shall be no less than four (4) inches thick.

12.) Where installed, curbing shall be granite, concrete, or bituminous concrete and shall be installed on a thoroughly compacted gravel base of six (6) inches minimum thickness. The specified pavement width above shall be measured between the curbs.

C.) STREET CONSTRUCTION STANDARDS

1.) Minimum thickness of material after compaction:

Street Materials	Minimum Requirements			
	Arterial	Collector	Minor	Private
Aggregate sub-base course (maximum size stone-4")	18"	18"	18"	12"

Crushed aggregate				
base course	4”	3”	3”	3”
Hot bituminous pavement:				
Total thickness	3”	3”	3”	N/A
Surface course	1”	1”	1”	N/A
Base course	2”	2”	2”	N/A

2.) Preparation:

a.) Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.

b.) Before grading is started, the entire right-of-way, other than trees and vegetation intended for preservation, shall be cleared of all stumps, roots, brush, and other objectionable materials. All ledge, large boulders, and tree stumps shall be removed from roadway.

3.) All organic materials shall be removed to a depth of two (2) feet below the subgrade of the roadway. Rocks, ledge, and boulders shall also be removed to a depth of two (2) feet below the sub grade of the roadways. On soil which has been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

4.) Side slopes shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

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

6.) Bases and pavement:

a.) Bases.

The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls? of clay and other deleterious substances.

b.) Pavement Joints.

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

c.) Curbs and Gutters.

- i.* Street curbs and gutters shall be installed as required by the Board.
- ii.* Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

d.) Pavements.

- i.* Minimum standards for the base layer of pavement shall be the M.D.O.T specifications for plant mix grade C with an aggregate size of no more than one (1) inch maximum.
- ii.* Minimum standards for the surface layer of pavement shall meet the M.D.O.T specifications for plant mix grade C with an aggregate size of no more than $\frac{3}{4}$ inch maximum.

D.) STORMWATER MANAGEMENT DESIGN STANDARDS

1.) Adequate provisions shall be made for disposal of all stormwater generated within the Subdivision and any drained groundwater through a management system of swales, culverts, under drain, and storm drains. The storm water management system shall be designed to conduct stormwater flows to existing watercourses or storm drains.

- All components of the stormwater management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for West Rockport, Maine.
- The minimum pipe size for any storm drainage pipe shall be twelve (12) inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material containing no stones larger than three (3) inches, lumps of clay, or organic matter reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.
- Catch basins shall be installed where necessary.
- Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce stormwater velocity.

- 2.) The stormwater management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built, and shall include a surplus design capacity factor of twenty-five percent (25%) for potential increases in upstream runoff.
- 3.) Downstream drainage requirements shall be studied to determine the effect of the proposed Subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the Subdivision. The Subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- 4.) Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.
- 5.) Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

E.) STORM DRAINAGE CONSTRUCTION STANDARDS

- 1.) MATERIALS: shall meet the requirements of AASHTOM.
- 2.) Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Officer.
- 3.) Manholes shall be provided at all changes in vertical and horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400-foot intervals.
- 4.) Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris, or foreign matter and shall be kept clear until final acceptance.

F.) ADDITIONAL IMPROVEMENTS AND REQUIREMENTS:

- 1.) Erosion Control.
The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site's preparation, construction, and cleanup stages.
- 2.) Cleanup.
Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-

of-way. If on-site disposal of the stumps and other debris is proposed, the site shall be indicated on the plan and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

- 3.) **Street Names, Signs, and Lighting.**
Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblances to, the names of existing streets within the municipality and shall be subject to the approval of the Addressing Officer. No street name shall be the common given name of a person. The developers shall reimburse the municipality for the costs of installing street names and traffic safety and control signs. Street lighting shall be installed as approved by the Board.

G.) CERTIFICATION OF CONSTRUCTION

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a Professional Engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations. “As built” plans shall be submitted to the Municipal Officers.

SECTION 12. PERFORMANCE GUARANTEES

- A.) *Types of Guarantees.* With submittal of the application for Final Plan approval, the Subdivider may be required to provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for the construction costs:
 - 1.) Either a certified check payable to the Town or a savings account, or certificate of deposit naming the Town as owner of the establishment of an escrow account;
 - 2.) A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers;
 - 3.) An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision from which the Town may draw if construction is inadequate, approved by the Municipal Officers; or
 - 4.) An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The condition and amount of the Performance Guarantee shall be determined by the Board.

- B.) *Contents of Guarantee.* The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and the date after which the developer will be in default and the Town shall have access to the funds to finish construction.
- C.) *Escrow Account.* A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the Subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the Subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the Subdivider and the amount withdrawn to complete the required improvements.
- D.) *Performance Bond.* A performance bond shall detail the condition of the bond, the method for release of the bond or portions of the bond to the Subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the Subdivision for which approval is sought.
- E.) *Letter of Credit.* An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been established for the construction of the Subdivision and may not be used for any other project or loan.
- F.) *Phasing Development.* The Board may approve plans to develop a major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed Subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
- G.) *Release of Guarantee.* Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of whatever 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 release is requested.
- H.) *Default.* If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plan and specifications filed as part of the application, he shall so report in writing to the Municipal Officers, the Board, and the Subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

- I.) *Private Roads.* Where the Subdivision streets are to remain private roads, the following words shall appear on the recorded plan:
“ALL ROADS IN THIS SUBDIVISION SHALL REMAIN PRIVATE ROADS TO BE MAINTAINED BY THE DEVELOPER OR THE LOT OWNERS AND SHALL NOT BE ACCEPTED OR MAINTAINED BY THE TOWN.”
- J.) *Improvements Guarantee.* Performance guarantees shall be tendered for all improvements required by Section 10.7 of these regulations, as well as any other improvements required by the Board.

SECTION 13. WAIVERS

- A.) Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements of the standards, unless otherwise indicated in the regulation, to permit a more practical and economical development, provided the public health safety and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Land Use Ordinance, or these Ordinances.
- B.) Where the Board makes written findings of fact that, due to special circumstances of a particular lot proposed to be subdivided, the provisions of certain required improvements are not requisite to provide for the public health, safety, or welfare are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed Subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.
- C.) In granting waivers to any of these regulations in accordance with Sections 13.1 and 13.2, the Board shall require such conditions as will assure the objectives of these Ordinances are met.

SECTION 14. APPEALS

- A.) An aggrieved party may appeal any decision of the Board under these Ordinances to Knox County Superior Court.

SECTION 15. DEVELOPMENT IMPACT FEES

The Planning Board may require the applicant to participate in municipal infrastructure improvements. Where it appears that the proposed development will result in a negative impact or decline in the level of service of any existing municipal infrastructure system or service, the Planning Board shall assess and establish the applicant(s) level of participation in the improvement of that system or service.

- A.) *Conducting the Assessment.* In conducting the assessment, the Planning Board may consider the following:
- 1.) The status of the system and service in the Comprehensive Plan and capital improvement program relative to any planned improvements and scheduling.
 - 2.) The net effect of the proposed development on the capacity of the infrastructure, indicating the percentage share caused by the developer.
 - 3.) A cost estimate for improvement of this infrastructure so as to meet the increased demand, and a breakdown of the applicant's share of that cost.
 - 4.) An assessment of water and sewer system improvements.