

- F. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a low land owners' association.
- G. If the services of a Licensed Professional Engineer are required, the applicant shall assume the cost of this service

13.02 Violations and Enforcement

- A. No 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 Planning Board in accordance with this Ordinance.
- B. A person shall not 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. A person shall not sell, lease, or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- 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.
- E. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.
- F. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of 30-A M.R.S.A., 4452.

ARTICLE 143 – Waivers

Article # 33

14.01 Waivers Authorized.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by this Ordinance or Maine law, provided that the applicant has demonstrated that the performance and design standard of this Ordinance and the criteria of the subdivision statute have been or will be met, 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 Zoning Ordinance or this Ordinance.

14.02. Waivers of Certain Improvements Authorized.

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or 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, provided the waivers do not have the effect of nullifying the intent and purpose of the Zoning Ordinance or this Ordinance, and further provided that the performance criteria of this Ordinance and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

14.03 . The Planning Board may grant waivers of certain submission requirements on an application, at the sole discretion of the Planning Board.

14.043. No Waiver of Zoning Ordinance Requirements.

The Planning Board does not have the authority to grant waivers from the standards set forth in the Zoning Ordinance, except as specifically set forth in this Ordinance and the Zoning Ordinance.

14.045. Imposition of Conditions.

In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure the objectives of the requirements so waived.

14.056. Waivers are to be Shown on Final Plan.

When the Board grants a waiver of any improvements required by this Ordinance, the final plan to be recorded at the Registry of Deeds shall indicate the waivers granted and the date on which they were granted.

~~13.1 Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, where such exist.~~

~~13.2 The Planning Board may grant waivers of certain submission requirements on an application, at the sole discretion of the Planning Board.~~

ARTICLE 154 - Appeals

154.1 An appeal from a decision of the Planning Board may be taken to a General Board of Appeals if one has been established by the municipality in accordance with Title 30, M.R.S.A. Chapter 213, Section 2411, or to the Superior Court.

ARTICLE 16 SEPARABILITY AND EFFECTIVE DATE

A. The invalidity of any provision of these standards shall not invalidate any other part.

B. These standards shall take effect immediately on adoption of the same by the legislative body.