

**TOWN OF LIMERICK**  
**SUBDIVISION ORDINANCE**

**MARCH 2024**

## **ARTICLE 1 - Purpose**

- 1.1 The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable Town of Limerick, Maine.

## **ARTICLE 2 - Authority and Administration**

### **2.1 Authority**

- 2.1.1 These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., Chapter 187, Section 4403.
- 2.1.2 These standards shall be known and may be cited as "Subdivision Standards of the Planning Board of the Town of Limerick, Maine."
- 2.1.3 The invalidity of any portion of these standards shall not invalidate any other part.

### **2.2 Administration**

- 2.2.1 The Planning Board of the Town of Limerick, Maine, hereinafter called the Board, shall administer these standards.
- 2.2.2 The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Limerick, Maine, and such land shall not be sold, graded, improved, or provided any permit for the erection of a structure within such proposed subdivision until the subdividing owner or authorized agent applies formally to the Board for approval of a final plan of such subdivision as provided in this chapter. Any approved and endorsed final plans shall be submitted to the County Registry of Deeds for the permanent record.
- 2.2.3 The subdivider shall prepare and formally submit to the Board a sketch plan for conceptual review, followed by a preliminary plan, followed by a final plan.
- 2.2.4 Whenever the Board receives a subdivision application, it may require that a public hearing be held and that owners of adjacent properties be notified, in writing of the time and place of such hearing.
- 2.2.5 These standards shall take effect on adoption of the same by the Planning Board and legislative body.

## **ARTICLE 3 - Definitions**

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

### **Comprehensive Plan or Policy Statement:**

Any part or element of the over-all plan or policy for development of the Town as defined in Title 30-A M.R.S.A. Chapter 187, Section 4326.

### **Construction Drawings:**

Means drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross section of streets, miscellaneous structures, etc.

### **Contiguous Lot:**

For the purpose of these regulations, a lot shall be considered to be contiguous if either or both of the following conditions exist:

The lots adjoin, or are coterminous at any point or line.

### **Easement:**

The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

### **Engineer:**

Professional Engineer licensed by the State of Maine.

### **Final Subdivision Plan:**

The final drawings on which the sub-divider's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for record with the Municipal Clerk and County Registry of Deeds.

### **High Water Elevation Line, Normal:**

Along lakes and ponds, 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 definite mark.

### **High Intensity Soil Survey:**

A high-intensity soil survey shall meet the standards of the National Co-operative Soil Survey which contrasts soils down to 1/10 acre or less, at a scale greater than 1" = 1320'. It shall be performed by a soil scientist registered in the State of Maine. The mapping units shall be the soil series. Single test pits and their analyses shall not be considered to constitute high intensity soil surveys.

### **100 Year Frequency Flood:**

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 each year). For the purpose of this regulations, land designated as Flood Hazard Areas on the Flood Hazard Boundary Maps of the Federal Insurance Administration, shall be considered to be within the 100-year frequency flood plain until proven otherwise by the applicant.

Legislative Body: Town Meeting.

Official Map:

The Official Zoning Map and Shoreland Zoning Map of the Town of Limerick, Maine.

Official Submittal Date:

The time of submission of a Pre-application Plan, Final Plan for Minor Subdivision, Preliminary Plan for Major Subdivision or Final Plan for Major Subdivision or Final Plan for Major Subdivision shall be considered to be the date written acknowledgement by the Planning Board of the receipt of a completed application.

Pursuant to 30-A M.R.S.A. Section 4403, Subpart 6A, Paragraph 3, the Planning Board upon receipt of an application shall issue a written dated receipt to the applicant and notify by mail all abutting property owners of the proposed subdivision. Within 30 days of this dated receipt, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if it is incomplete, the specific additional material needed to make a complete application.

After it has been determined that a complete application has been filed, the Planning Board shall notify the applicant (which shall constitute the official submittal).

Person:

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

Preliminary Subdivision Plan:

The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Soil Scientist:

A soil scientist, soil engineer or soil geologist registered by the State of Maine.

Street:

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

Subdivision

See definition in Maine Revised Statutes Title 30-A, Chapter 187, Section 4401(4).

Subdivision, Amendment:

The change to any existing subdivision or any change of an approved subdivision which affects the lot lines or configuration of any parcels within the subdivision.

Subdivision, Major:

Any subdivision containing more than four (4) lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor:

A subdivision containing not more than four (4) lots.

Tract or Parcel of Land:

For the purposes of this ordinance, a tract or parcel of land is defined as all contiguous land in the same ownership, whether or not the tract is separated at any point by: An intermittent or non-navigable stream, tidal waters where there is no flow at low tide, a public road or a private road established by the abutting land owner (s).

**ARTICLE 4 – Administrative Procedure**

**4.1 AGENDA**

- 4.1.1 Applicants shall request to be placed on the Planning Board’s agenda at least 10 days in advance of a regularly scheduled meeting.
- 4.1.2 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.

**ARTICLE 5 – Pre-application**

**5.1 Procedure**

- 5.1.1 Prior to 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.
- 5.1.2 The Planning Board may arrange for a site visit of the proposed subdivision with the subdivider during the Sketch Plan review process.
- 5.1.3 After such site visit, the Planning Board shall inform the subdivider in writing of the contour interval and which of the submittal packages (major or minor) will be required for his subdivision plans;
- 5.1.4 If classified as a Minor Subdivision the subdivider shall then comply with the procedure outlined in Article 6 of these standards. If classified as a Major Subdivision the subdivider shall comply with procedures outlined in Article 7 and Article 8 of these standards.

**5.2 Submissions**

- 5.2.1 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.
- 5.2.2 The Sketch Plan shall include data on existing covenants, available community facilities and utilities, information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed utilities and street improvements.

\*(See Appendix VI and VII for sample Sketch Plan and Survey Map)

## **ARTICLE 6 - Review and Approval of Minor Subdivision**

### **6.1 Procedure**

- 6.1.1** Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Final Plan. \* Failure to do so shall require resubmission of the Sketch Plan. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations or changes agreed to by the Planning Board.
- 6.1.2** As determined by the Limerick Planning Board, all fees and costs to the Town associated with the review of an application for a Minor Subdivision will be charged to the applicant.
- 6.1.3** The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
- 6.1.4** 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 Board shall specify in writing its reasons for any such modification or disapproval.

### **6.2 Submissions**

- 6.2.1** The final 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 one hundred (100) feet to the inch, which shall be legibly reproduced on a durable material or clearly drawn in India ink on linen, and the size of the sheets shall be 8 ½ x 11 inches or a multiple thereof, but in no case larger than 24x36 inches. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The application for approval of a Minor Subdivision shall include all the information presented on the Final Plan plus the following:
  - 1)** Verification of right, title and interest in the property, including any ~~A copy of~~ 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, lots to be subdivided, which shall include all remaining lands unless the remaining land is 40 acres or greater, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the lots shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan.
    - (See Appendix x for sample Final Plan)
  - 3)** When connection to the district system is possible, the developer shall install a complete sewerage collection system consistent with the specifications and pipe size requirements of the sewer district.
  - 4)** All proposed on-site sewage disposal systems and / or water supply facilities shall be designed to meet the minimum specifications of these standards and all

- pertinent State and local codes. Compliance shall be stated on the plan and signed by a licensed site evaluator or civil engineer.
- 5) 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.
  - 6) If an on-site water supply is proposed, the developer must submit materials which will reasonably satisfy the Planning Board that pertinent State and local code specifications will be met.
  - 7) Proposed name of the subdivision, or identifying title, name of the municipality in which it is located, tax maps, the zone(s) in which the subdivision is located, and the space and bulk requirements of such zone(s).
  - 8) The date, north point, both a written and graphic scale, name and address of record owner and subdivider, and names of adjoining property owners.
  - 9) Street construction shall meet the requirements of these standards and be approved by the Limerick Board of Selectmen.
  - 10) A medium intensity soil survey or a copy of the York County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil survey or a report by a registered Soil Scientist or engineer.
  - 11) Test pits, which shall include logs and be referenced and shown on the plan with a 100-foot buffer line from each test pit location
  - 12) A soil, erosion and sedimentation control plan prepared by a licensed soil scientist or engineer registered in the State of Maine or York County soil and water conservation
  - 13) Method of fire protection to be provided to the subdivision

## **ARTICLE 7 - Preliminary Plan for Major Subdivision**

### **7.1 Procedure**

- 7.1.1 Within six months after classification of the Sketch Plan as a Major Subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan \* for a Major Subdivision. Failure to do so shall require resubmission of the Sketch Plan. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations or changes agreed to by the Planning Board.
- 7.1.2 As determined by the Limerick Planning Board, all fees and costs to the Town associated with the review of an application for a Major Subdivision will be charged to the applicant.
- 7.1.3 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.
- 7.1.4 A public hearing may be held by the Planning Board in accordance with Title 30-A, M.R.S.A., Ch.187, Sec. 4403. All abutters shall be notified and if the subdivision is located within five hundred (500) feet of Limerick's municipal boundary, the adjacent town's governing body, including the Select Board and Planning Board, shall also be notified.
- 7.1.5 When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the

Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Selectmen of the Town of Limerick.

- 7.1.6** Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

\* (see Appendix ix for sample Preliminary Plan.)

## **7.2 Submissions**

### **7.2.1 Location Map\***

The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred (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: 1. all the area within two thousand (2,000) feet from any boundary of the proposed subdivision.

### **7.2.2 Preliminary Plan**

The Preliminary Subdivision Plan shall be submitted in four (4) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, showing or accompanied by the following information:

- 1)** Verification of right, title and interest in the property, including any deed descriptions, 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 by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the plan.
- 3)** Proposed subdivision name or identifying title and the name of the Municipality.
- 4)** Name and address of record owner, subdivider and, if the owner or subdivider is not the designer of the Preliminary plan, written authorization identifying the designer of the Preliminary Plan that allows said designer to represent the applicant in official business related to the application.
- 5)** Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other significant existing physical features.
- 6)** The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- 7)** The name or designation of the Zoning District applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision. This includes space, setback and bulk requirements of the zone(s).
- 8)** The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.



- 9) The width, name 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, name, location, grades, and street profiles of all streets or other public ways proposed by the subdivider.
- 10) Contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more. (See Appendix VII for sample Location Map)
- 11) A soils report and soils survey at an intensity (medium or high) determined by the Board prepared and signed by a soils scientist or engineer registered in the State of Maine identifying the soils names and soils boundaries in the proposed development.
- 12) Typical cross-sections of the proposed grading for roadways and sidewalks. All streets shall conform to the Town of Limerick Street Standards.
- 13) Date, true north point and both a written and graphic scale.
- 14) 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.
- 15) If an on-site water supply is proposed, the developer must submit materials which will reasonably satisfy the Planning Board that pertinent State and local code specifications will be met.
- 16) When connection to the district system is possible, the developer shall install a complete sewerage collection system consistent with the specifications and pipe size requirements of the sewer district.
- 17) All proposed on-site sewage disposal system and/or water supply facilities shall be designed to meet the minimum specifications of these standards and all pertinent State and local codes. Compliance shall be stated on the plan and signed by a licensed civil engineer.
- 18) Provisions for collecting and discharging storm drainage, in the form of a drainage or stormwater management plan.
- 19) Preliminary designs of any bridges or culverts which may be required.
- 20) The proposed lot lines with approximate dimensions and suggested locations of buildings, including lot setbacks for the appropriate type of development as identified in the Limerick Zoning Ordinance
- 21) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 22) The location of all-natural features or site elements to be preserved.
- 23) A soil erosion and sediment control plan prepared by a licensed soil scientist or engineer registered in the State of Maine or York County soil and water conservation
- 24) The method of fire protection in the subdivision
- 25) Road Maintenance provisions for new roads or private roads that will be affected by additional residences or businesses utilizing the roadway, including but not limited to roadway maintenance agreements
- 26) Maine Department of Environmental Protection stormwater permit if adding more than 1 acre of impervious surface

## **ARTICLE 8 - Final Plan for Major Subdivision**

### **8.1 Procedure**

- 8.1.1** The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan\* in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after 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.
- 8.1.2** If the application requires Maine Department of Environmental Protection approval, then the appropriate permits shall be secured by the applicant. The approval of the State of Maine, Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.
- 8.1.3** Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:
- 1) The Limerick Water District if existing public water service is to be used, or
  - 2) The State of Maine, Department of Human Services if the subdivider proposes to provide a central water supply system, or
  - 3) A civil engineer registered in the State of Maine if individual wells serving each building site area are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the Department of Human Services.
  - 4) Such approval shall be secured before official submission of the Final Plan.
- 8.1.4** Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:
- 1) The servicing Sanitary Sewer District if existing public disposal systems are to be used, or
  - 2) The State of Maine, 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 (see Appendix X for sample Final Plan)
  - 3) The Maine 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.
  - 4) Such approval shall be secured before official submission of the Final Plan.
- 8.1.5** In accordance with Title 30-A, M.R.S.A. Ch. 187 Section 4403, a public hearing may be held by the Planning Board.
- 8.1.6** Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Town Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Selectmen and Town attorney as to form, sufficiency, manner of execution and surety. A period of one

year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall set forth in the bind time within which required improvements must be completed. The certified check or bond shall include an amount required for recreation land or improvements as specified. The applicant shall present, as part of his completed application, a copy of the receipt from the Town Clerk. Provisions for phasing road construction and subdivision development are contained in Paragraph 11.9.2.

- 8.1.7** The Planning Board shall, within thirty (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.

## **8.2 Inspection of Required Improvements**

- 8.2.1** At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Building Inspector in writing of the time when he proposes to commence construction of such improvements so that the Selectmen can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- 8.2.2** If the Building Inspector shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Selectmen and the Planning Board. The Selectmen shall then notify the subdivider and if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.
- 8.2.3** If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Building Inspector that foreseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Building Inspector 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 Board. The Building Inspector 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.
- 8.2.4** The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

## **8.3 Submissions**

- 8.3.1** The Final Plan shall consist of four copies of one or more maps or drawings which shall be printed or reproduced in the same manner as the Preliminary Plan, on 20-pound white paper. Space shall be reserved thereon for endorsement by all

appropriate agencies. The Final Plan shall show:

- 1) All information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.
- 2) The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.
- 3) Lots and blocks within the subdivision numbered in accordance with local practice.
- 4) Permanent reference monuments shown thus: "X." They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.

**8.3.2** There shall be submitted 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 Selectmen are satisfied with the legal sufficiency of the documents referred to in Paragraph 8.3.2.1, above. Such written evidence shall not constitute an acceptance by the Town of any public open space referred to in Paragraph 8.3.2.1), above.
- 3) A performance bond to secure completion of all improvements required by the Board and written evidence that the Selectmen are satisfied with the sufficiency of such bond.
- 4) Copy of the receipt for fee paid to the Town Clerk for Final Plan.

#### **8.4 Performance Standards for both Major and Minor Subdivisions**

**8.4.1.** In accordance with Chapter 187, Section 4404 of the Maine Revised Statues, and as updated in relevant State Law, upon the Board's determination that a complete final application has been submitted, the following review criteria shall be considered, with the Board determining before approval that:

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
  - a. The elevation of the land above sea level and its relation to the flood plains;
  - 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;
  - d. The availability of streams for disposal of effluents; and
  - e. The applicable state and local health and water resource rules and regulations;
2. **Sufficient water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. **Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;
4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
5. **Traffic.** The proposed subdivision will not cause unreasonable highway or public

road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside of the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

6. **Sewage disposal.** The proposed subdivision will provide for adequate sewerage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
7. **Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;
8. **Aesthetic, cultural and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
9. **Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;
10. **Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section;
11. **Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
  - a. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
    - i. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extend to the shore.
    - ii. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-b, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;
12. **Ground water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
13. **Flood areas.** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. IF the

- subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
14. **Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;
  - 14-A. **Farmland.** All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;
  15. **River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, section 480-B, subsection 9;
  16. **Storm water.** The proposed subdivision will provide for adequate storm water management
  17. **Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
  18. **Lake phosphorus concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision;
  19. **Impact on adjoining municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and
  20. **Lands subject to liquidation harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority’s request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester

For the purposes of this subsection, “liquidation harvesting” has the same meaning

as in Title 12, section 8868, subsection 6 and “parcel” means a contiguous area within one municipality, township or plantation, owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

## **8.5 Final Approval and Filing**

- 8.5.1** Upon completion of the requirements in Articles 7&8 above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Selectmen. The Plan shall then be filed with the York County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.
- 8.5.2** At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Selectmen and Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Selectmen, Planning Board and the subdivider.

## **8.6 Plan Amendments after Approval**

- 8.6.1** No changes, erasures, modifications, or amendments shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the Town records and the Registry of Deeds.
- 8.6.2** An applicant for an amendment to a previously approved plan shall, at least fourteen days prior to a scheduled meeting of the Board, submit supporting materials and request to be placed on the Board’s Agenda.
- 8.6.3** If the amendment involves only reconfiguration of the approved plan, the procedures for final plan approval may be followed.
- 8.6.4** If the amendment involves the creation of additional lots, dwelling units, or rights of way, the procedures for final plan approval shall be followed and corresponding application materials be identified by the Board for the applicant to submit.
- 8.6.5** The applicant shall submit a copy of the approved plan, as well as four copies of the proposed amendments. The application shall also include enough supporting information to allow the Board to make a determination that the proposed

amendments meet the standards of these regulations.

**8.6.6** The Board's scope of review shall be limited to those portions of the plan that are proposed to be changed.

### **8.7 Public Acceptance of Streets**

**8.7.1** The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, or easement, shown on such Plan.

## **ARTICLE 9 - Enforcement**

See Title 30-A, M.R.S.A., Section 4406.

## **ARTICLE 10 - General Requirements**

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

### **10.2 Subdivision Plan shall conform to Comprehensive Plan**

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

### **10.3 Relationship of Subdivision to Community Service**

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

- Schools, including busing
- Road maintenance and snow removal
- Police and Fire Protection
- Solid Waste Disposal Recreation facilities
- Runoff water disposal drainage ways and/or Storm sewer enlargement with sediment traps

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

### **10.4 Retention of Proposed Public Sites and Open Spaces**

**10.4.1** Depending on the size and location of the subdivision the Board may require the



developer to provide up to 10% of his total area for recreation. It is desirable that areas reserved for recreation be easily accessible from all lots within the subdivision.

**10.4.2** Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended.

## **10.5 Preservation of Natural and Historic Features**

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

## **10.6 Land Not Suitable for Development**

**10.6.1** The Board shall not approve such portions of any proposed subdivision that:

- 1)** Are located within the 100-year frequency flood plain as identified by an authorized Federal State agency, or when such identification is not available, are located on flood plain 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 (2) feet above the 100 year frequency flood. (Elevation not to include filled or made land), or if the applicant presents materials which insure:
  - 2)**
    - i.** That proposed developments are consistent with the need to minimize flood damage.
    - ii.** that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage.
    - iii.** that adequate drainage is provided so as to reduce exposure to flood hazards.
    - iv.** that new or replacement water supply systems and / or Sanitary Sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water, and require that on-site waste disposal systems be located so as to avoid impairment of them or contamination from them during flooding.
    - v.** that construction within the 100-year flood plain conforms to the Town Ordinance for Building Permit selection Procedure for Flood Hazard Areas.
- 3)** Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection and treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled or drained Great Ponds (natural body of water 10 acres or more in size).
- 4)** For the purpose of Section 10.6.1.3), the boundary of a body of water shall be defined as the one hundred (100) year flood plain line of that body of water as

defined by the U.S. Army Corps of Engineers.

- 5) For the purpose of Section 10.6.1.4), a body of water shall be defined to include, but shall not be limited to, marshes, brooks, streams, estuaries, rivers, ponds, lakes. Questions as to whether or not an area constitutes a body of water shall be determined by the Planning Board.

## 10.7 Blocks

10.7.1 The length, width and shape of blocks shall be determined with due regard to:

- 1) Zoning requirements as to lot sizes and dimensions.
- 2) Needs for convenient access, circulation, control and safety of street traffic.

10.7.2 In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4-foot wide path be included. The Planning Board shall require the subdivider to provide a mechanism for the proper maintenance of any such easement.

## 10.8 Lots

10.8.1 Land that is not suitable for construction as delineated in Section 10.6. or by reason of being wetlands as defined by the State or Federal law, shall not be included in the calculation of the lot area.

10.8.2 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.

10.8.3 The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage conforming to zoning requirements in effect at time of subdivision.

10.8.4 Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

10.8.5 Side-lot lines shall be substantially at right angles or radial to street lines.

10.8.6 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 Board may require that streets and lots be laid out so as to permit or prohibit future re-subdivision in accordance with the requirements contained in these standards.

10.8.7 If a lot on one side of a stream, 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, or road to meet the minimum lot size of these standards, or for the purposes of on-site disposal.

## 10.9 Easements of Natural Drainage Ways

10.9.1 Where a subdivision is traversed by a natural water course, drainage way, channel,

or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than 30 feet in width.

#### **10.10 Utilities**

**10.10.1** The size, type and location of public utilities, such as street lights, electricity, telephone, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.

#### **10.11 Required Improvements**

**10.11.1** Monuments, street signs, streets, sidewalks (when appropriate), water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provision of these standards.

##### **10.11.2 Monuments**

- 1)** Permanent monuments shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections and points of curvature.
- 2)** Monuments shall be stone, granite, concrete, or metal pipe located in the ground at final grade level, and indicated on the Final Plan.

#### **10.12 Additional Standards for Certain Subsurface Waste Disposal Systems.**

**10.12.1** Whenever a subsurface waste disposal system is proposed to be located on a lot or a mobile home park lot, as defined by 30-M.R.S.A. section 4358, sub-(1) (B-1), with an area less than one and one-half acres, the subdivider shall present an analysis, prepared by a competent professional, showing that projected post development nitrate-nitrogen concentration, measured at the lot line, will not exceed 5.0 milligrams/liter.

**10.12.2** In the case of mobile home park lots served by a common subsurface disposal system, the nitrate-nitrogen, projected concentrations shall not exceed 5.0 milligrams per liter measured at any wells within the mobile home park, at the mobile home park boundaries, or at a distance of 1000 feet from potential contamination points, whichever is a shorter distance.

## **ARTICLE 11 - Street Design and Construction Standards**

### **11.1 General Procedures and Requirements**

**11.1.1** 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 Selectmen and the Road Commissioner of said application and its classification, and shall request a review and comment of the proposed street plans.

## 11.2 Street Classification Definitions

- 11.2.1** Collector Street: A Collector Street shall be defined as 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.
- 11.2.2** Minor Street: A Minor Street shall be defined as a street servicing less than 15 units of residential development.

## 11.3 Street Design Standards

- 11.3.1** 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.
- 1)** All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic.
  - 2)** The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such street. Grades of streets shall conform as closely as possible to the original topography.
  - 3)** In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a ten (10) foot easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.
  - 4)** 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.
  - 5)** Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) 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 the Zoning Ordinance.
  - 6)** Subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map as such exists, or streets on an approved Subdivision Plan for which a bond has been filed.

**11.3.2** The following design standards apply according to street classifications:

Description	Arterial	Collector	Minor	Private Right-of-Way	Industrial Commercial
Minimum Right-of-Way Width	80'	50'	50'	50'	60'
Minimum Traveled Way Width	44'	24'	20'	18'	30'
Minimum Width of Shoulders (each side)	5'	3'	3'	3'	5'
Maximum Grade Within 75 ft. of Intersections	3%	3%	3%	3%	3% 5
Minimum Right-of-Way Radii at Intersections	20'	10'	10'	10'	20'
Sidewalk Width (where required)	8'	5'	5'	n/a	8'
Minimum Grade	.5%	.5%	.5%	n/a	.5%
Maximum Grade 1	5%	6%	8%	8%	5%
Minimum Centerline Radius (without superelevation)	500'	280'	280'	175'	400'
Minimum Centerline Radius (with Superelevation)	350'	175'	175'	110'	300'
Roadway Crown 2	.25"/ft	.25"/ft	.25"/ft	Note 3	.25"/ft
Minimum Angle of Street Intersections 4	90°	90°	75°	75°	90°
Minimum Curb Radii at Intersection *	30'	25'	20'	n/a	30'

1 Maximum grade may be exceeded for a length of two hundred (200) feet or less

2 Roadway crown is per foot of land width.

3 Gravel surfaces shall have a minimum crown of ¼ inch per foot of land width.

4 Street intersection angles shall be as close to 90° as feasible, but not less than the listed angle.

5 Should be based on turning radii of expected commercial vehicles, but not less than thirty (30) feet.

\* Note: Where applicable

**11.3.3** The centerline of the roadway shall be the centerline of the right-of-way. Dead End Streets. In addition to the design standards in the preceding table, dead end streets shall be constructed to provide a turn-around with the following requirements:

- a. Hammerhead. Property line: sixty (60) feet; outer edge of pavement: fifty (50) feet; inner edge of pavement: thirty (30) feet. Over all length of road shall not exceed two thousand five hundred (2,500) linear feet. All road surfaces must be asphalt in accordance with NFPA (National Fire Protection Agency) 1 Fire Dept Access.
- b. Cul-de-sac. Diameter shall be Seventy (70) feet; outer edge of pavement. All road surfaces must be Asphalt (the entire Cul-de-sac). In accordance with NFPA ( National Fire Protection Agency )1 Fire Dept Access.
- c. Where the road cannot be extended, the Board may require the reservation of a twenty (20) foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street.
- d. 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.

**11.3.4 Intersections, and Sight Distances**

- 1) Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.
- 2) 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 (2) feet higher than the center line of the street. If desired, ground shall be excavated to achieve visibility.

**11.4 Street Construction Standards**

Minimum thickness of materials after compaction shall meet the specification in the following table:

**11.4.1**

Street Materials	Arterial Collector	Minor	Private Right-of-Way	Industrial - Commercial	
<b>Aggregate Sub-Base</b>					
<b>COURSE (Maximum sized stone 6")</b>					
Without Base Gravel	24"	18"	18"	15"	24"
With Base Gravel	20"	15"	15"	12"	20"
Crushed Aggregate Base Course (if necessary)	4"	3"	3"	3"	4"
<b>Hot Bituminous Pavement</b>					
Total Thickness	3"	3"	3"	n/a	4"
Surface Course	1 ¼ "	1 ¼ "	1 ¼ "	n/a	1 ¼ "
Base Course	1 ¾ "	1 ¾ "	1 ¾ "	n/a	1 ¾ "
Surface Gravel	n/a	n/a	n/a	3"	n/a

Note: Road construction must be designed by a professional engineer licensed in Maine and constructed in accordance with the plans.

## E.2. Preparation

1. The center line and sidelines of the new road shall be staked or flagged at approximately fifty (50) foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials or other deleterious material shall be removed to a depth of two (2) feet below the sub-grade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the sub-grade of the roadway. On soils which have been identified by the engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two (2) feet below the sub-grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.
4. Except in a ledge cut, side slopes in the right-of-way shall be not steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

Where a cut results in exposed ledge, a side slope no steeper than one (1) foot horizontal to four (4) feet vertical is permitted.

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.

## E.3 Bases and Pavement

1. Bases/Sub-base. (See page 23)
2. 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.
3. Pavements
  - (i) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than three quarters (3/4) inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed provided the air temperature in the shade at the paving location of 35° F or higher and the surface to be paved is not frozen or unreasonably wet.

(ii) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix Grade C or D with an aggregate size not more than one half (1/2) inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed provided the air temperature in the shade at the paving location of 50° F or higher.

- E.4. Surface Gravel. Private rights-of-way need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate sub-base, and shall have no stones larger than two (2) inches in size.
- E.5. If paving is required, then stages of pavement shall be completed in three stages. Occupancy permits may be issued for the first 25% of lots with a gravel sub-base; 75% with pavement base layer; and the final 25% with pavement surface layer.

A. Clean Up

Following street construction, the developer or contractor shall conduct a thorough clean up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized and seeded.

B. Sign Off

Completed paved streets shall require a professional engineer's review and approval.

Liquid Asphalt: Two applications of asphalt applied at not less than 1 gallon per square yard each.

Hot Bituminous Pavement conforming to the standards set herein shall be used on all streets within town or village centers. 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 traffic volume is low and where through traffic is minimal. The final determination of the paving materials shall be made by the Planning Board.

#### 11.4.2 Preparation

Tree stumps and other organic materials shall be removed to a depth of 2 feet below the sub-grade of the roadway. Rocks and boulders should also be removed to depth of 2 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 (2) feet below the subgrade and shall be replaced where necessary with soils listed by the Soil Suitability Guide as being good and fair for road fill.

Side slopes shall not be steeper than a slope of 3 feet horizontal to 1 foot vertical, graded fertilized and seeded with a conservation mix meeting the standards of York County Soil and Water Conservation District.



### 11.4.3 Pavement

Any paved roads built in association with the subdivision must meet the following requirements with respect to Pavement Joints: 1. Where payment placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical joint, which joint shall be sealed with liquid tar. 2. Joints shall be overlapped not less than 6" with the application of successive layers.

## 11.5 Storm Drainage Design Standards

- 11.5.1 Adequate provision shall be made for disposal of all storm water collected in streets and areas tributary to the street system and underground water through ditches, culverts, underdrain and / or storm water drainage system. All storm water systems shall be designed to meet the criteria of a twenty-year storm based on rainfall data from the weather bureau records in Portland. Asphalt coated steel culverts and asphalt coated steel pipes or equivalent shall be used where drainage is required.
- 11.5.2 Existing or future down-stream drainage requirements shall be studied to determine the effect on proposed drainage. The applicant shall demonstrate that the storm drainage will not, in any way, overload existing or future storm drainage systems downstream from the proposed development.

## 11.6 Storm Drainage Construction Standards

11.6.1 All material utilized for storm drain construction shall be in conformity with State of Maine Specifications for Highways and Bridges, revision 1968, or latest revision thereof.

### 11.6.2 General Construction Requirements

- 1) Trenching shall be accomplished in accordance with all appropriate state and federal safety requirements.
- 2) Manholes shall be provided at abrupt changes in alignment, and at all junctions. In straight runs, manholes shall be placed at a maximum of 400 feet intervals.
- 3) Outlets shall be terminated in an endwall of concrete construction, or shall be rip-rapped, or other appropriate measures taken, to prevent erosion.

## 11.7 Additional Improvements and Requirements

### 11.7.1

11.7.2 Street Name, Street Signs, and Street Lights: 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 bare phonetic resemblance to the names of existing streets within the municipality 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. All such streets shall be designated as private ways by the use of a sign in accordance with Paragraph 11.7.2.

## 11.8 Design and Construction Plans

**11.8.1** Prior to the commencement of each major phase of construction, the Building Inspector shall be notified.

**11.8.2** Upon completion of street construction and prior to a vote by the Selectmen to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered with the State of Maine shall be submitted to the Selectmen at the expense of the applicant, certifying that the proposed town way meets the design and construction requirements set forth herein.

## **11.9 Performance Bonds**

**11.9.1** At the time of the approval of the application, the applicant shall tender either a certified check payable to the Town or a performance bond payable A Letter of Irrevocable credit to the Town issued by a surety company in the amount of 150 percent of the cost of street construction, which includes furnishing installing, connecting and completing all grading, paving, storm drainage and utilities specified in the application. The bond shall be for a period of one year or such other period as the Planning Board may determine to be appropriate.

**11.9.2** 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 quarantines. 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.

**11.9.3** Prior to the release of such check or bond, the Planning Board shall determine to its satisfaction, in part by the written certification required pursuant to Section 11.8.2, that the proposed street meets the design and construction requirements set forth herein.

## **ARTICLE 12 - Performance Guarantees**

### **12.01 Type of Guarantees**

Upon approval of the Final Plan and prior to any construction, the applicant shall provide to the CEO 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 construction costs:

- A. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account.
- B. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers.

- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision from which the municipality may draw if construction is inadequate, approved by the municipal officers.
- D. The Planning Board may choose not to require a performance guarantee for a minor subdivision.
- E. The conditions and the amount of the performance guarantee shall be determined by the Board with advice of the municipal officers and the CEO.

#### **12.02 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 a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

#### **12.03 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 into an FDIC insured institution. For any account opened by the applicant, 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 applicant 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 applicant and the amount withdrawn to complete the required improvements.

#### **12.04 Performance Bond**

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

#### **12.05 Letter of Credit**

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

#### **12.06 Phasing of 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 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.

#### **12.07 Release of Guarantee**

Prior to the release of any part of the performance guarantee, the CEO shall determine to his satisfaction that the proposed improvements meet or exceed the design and construction

requirements for that portion or phase of the subdivision for which the release is requested. Within thirty (30) days of release of guarantee, any unused funds shall be returned to the developer.

**12.08 Default**

If upon inspection, the CEO finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the municipal officers, the Planning Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

**12.09 Improvements Guarantee**

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

**12.1** Before a subdivider may be released from obligation required by his guarantee of performance, the Board shall require certification from the Municipal Engineer or appointed engineer, and whatever other agencies and department that may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and Local Codes and Ordinances.

**ARTICLE 13 INSPECTIONS AND ENFORCEMENT**

**13.01 Inspection of Required Improvements**

- A. At least five (5) days prior to commencing construction of required improvements, the subdivider or builder shall:

Notify the Code Enforcement Officer (CEO) in writing of the time when (s)he proposes to commence construction of such improvements, so that the CEO can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

- B. If the CEO finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the CEO shall so report in writing to the municipal officers and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.
- C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the CEO is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The CEO shall issue any approval under this section in writing and shall transmit a copy of the approvals to the Planning Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than one percent (1%) etc., the subdivider shall obtain approval from the Board to modify the plans in accordance with Article 10.

- D. Prior to the sale of any lot, 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.
- E. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this or any other applicable Ordinance or criteria. 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. "As built" plans shall be submitted to the municipal officers.
- 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 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 14 – Waivers**

### **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.

#### **14.04. 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.

#### **14.05. 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.

#### **14.06. 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.

### **ARTICLE 15 - Appeals**

15.1 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.

**APPENDIX  
STATE OF MAINE  
M.R.S.A. TITLE 30-A, CH. 187**

1. Land Subdivisions  
See M.R.S.A Title 30-A Chapter 187 Section 4401(4)
2. Municipal review and regulation.  
See M.R.S.A Title 30-A Chapter 187 Section 4403
3. Review Criteria  
See M.R.S.A. Title 30-A Chapter 187 Section 4406
4. Enforcement.  
See M.R.S.A. Title 30-A Chapter 187 Section 4406
5. Exemptions  
See M.R.S.A. Title 30-A Chapter 187 Section 4406

I hereby certify that the foregoing is a true abstract or copy of a record which is in my official custody.

Date Accepted: March 5, 2004

Attest: D. De. Tibbets,

Municipal Clerk, Town of Limerick, Maine

Date Attest: March 6, 2004