Town of Fairfield

Subdivision Ordinance

Revised as Regulations on:
October 3, 1988

Accepted as Ordinance as of:
June 9, 1989

Amended:
February 12, 1991
August 21, 1991
February 18, 1992
June 6, 1995
December 14, 1995
April 14, 2010
March 13, 2013
AMENDMENT

April 14, 2010

At the Town Council Meeting of April 14, 2010 the Council took the following action:

Amend the Subdivision Ordinance, Article XII, Street & Storm Drainage Design & Construction Standards, Section 12.2(G) (Street Design Standards) to change the width of a private right-of-way from sixty (60) feet to forty (40) feet.
# Subdivision Ordinance

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APPENDIX

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ARTICLE I. PURPOSES

The purposes of this ordinance is to assure the comfort, convenience, safety, health, and welfare of the people, of the Town of Fairfield, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving Subdivisions within the Town of Fairfield, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this ordinance have been met and that the proposed Subdivision will meet the guidelines of Title 30-A, M.R.S.A. Section 4551, subsection 3. The Subdivision:

1.1 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 the sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents;

1.2 Has sufficient water available for the reasonable foreseeable needs of the Subdivision;

1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

1.4 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;

1.5 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;

1.6 Will provide for adequate solid and sewage waste disposal;

1.7 Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.

1.8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; and

1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, if any;

1.10 The subdivider has adequate financial and technical capacity to meet the above stated standards;

1.11 Whenever situated in whole or in part, within 250 feet of any pond, lake, rover, or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water;

1.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

1.3 All principle structures within the Subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100 year flood elevation.
ARTICLE 11. AUTHORITY AND ADMINISTRATION

2.1 Authority

A. These Standards have been prepared in accordance with the provision of Title 30-A, M.R.S.A., Section 4551, Subsection 2.

B. These standards shall be known and may be cited as “Subdivision Ordinances of the Town of Fairfield, Maine”.

2.2 Administration

A. The Planning Board of the Town of Fairfield, hereinafter called the Board, shall administer these standards.

B. The provisions of these standards shall pertain to all land proposed for Subdivision, as defined in Title 30-A, M.R.S.A., Section 4551, Subsection 1, within the boundaries of the Town of Fairfield.

C. Effective date of this Document was October 3, 1988 as revised Regulations, which was adopted as an Ordinance on June 9, 1989.
ARTICLE III. DEFINITIONS

In general, words and terms used in this ordinance shall have their customary dictionary meanings. For greater convenience in clarity the following terms are defined:

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 this ordinance for a Final Plan, or by vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of the municipality as defined in Title 30-A, M.R.S.A., Section 4502.

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen (15) feet wide.

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

Driveway: A vehicular access-way serving two (2) dwelling units or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separated from other such rooms or suites or rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities; includes 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 1/10 acres or less at a scale equivalent to 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 one percent chance of occurring in any year).

Normal High Water Mark of Inland Waters: That line on the shores of banks on non-tidal waters which is apparent because of the different character and contiguous soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that 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, wintergreen, partridge berry, sassparilla, pines, cedars, oaks, ashes, elders, 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 for the streets or access and the areas which are unsuitable for development.

**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 of 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 Fairfield, created under Title 30-A, M.R.S.A., Section 4505

**Preliminary Subdivision Plan:** The preliminary drawings indicating the proposed 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 of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

**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 Collector:** 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.

**Street:** Public and private ways such as alleys, avenues, boulevards, highways, roads, and other right-of-way, as well as areas on Subdivision Plans designated as rights-of-way.

**Street Classification:**

- **Arterial Street:** A major throughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: Route 201 and Route 139.
- **Collector Street:** A street servicing at least 200 vehicle trips per day of streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.
- **Industrial of Commercial Street:** Streets servicing industrial or commercial uses.
- **Minor Street:** A street servicing less than 200 vehicle trips per day.
  
  Note: 200 vehicle trips per day would be generated by twenty (20) single family houses.

- **Private Right-of-Way:** A vehicular access way.
**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 this Ordinance, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purpose of this Ordinance.

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 (2) lots and the next dividing of either said first two (2) lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create the third lot, unless both such dividing are accomplished by a subdivider who shall have retained one (1) such second dividing.

A lot of at least forty (40) acres shall not be counted as a lot.

For the purposed of this Ordinance, 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.

The term subdivision shall also include such developments as mobile home parks, multiple family dwellings, cluster housing, shopping centers, condominiums, and industrial/commercial parks where there are three or more interests in the ground under or adjoining the units are also being conveyed.

**Subdivision, Major:** Any Subdivision containing more than four (4) lots or dwelling units, or any Subdivision containing a proposed street.

**Subdivision, Minor:** Any Subdivision containing not more than four (4) lots or 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 land owners.
Article IV. Administrative Procedure

4.1 Purpose

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

4.2 Agenda

In order to avoid unnecessary delays in processing applications for Subdivision Review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairman or designated agent. 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, definitive action may be taken on items not included on the agenda.
Article V. Preapplication

5.1 Procedure

A. Applicant presentation and submission of Sketch Plans.

B. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submission.

C. Scheduling of on-site inspection.

5.2 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 Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. Topographic Map of the area showing the outline of the Proposed Subdivision, unless the Proposed Subdivision is less than ten (10) acres in size.

5.3 On-Site Inspection

The subdivider shall arrange, at a mutually agreeable time, for an on-site inspection of the property in question with at least one member of the Planning Board or a person appointed by the Board. The applicant shall place a "flagging" at the center line of the proposed streets, and at approximate intersections of the street center lines and lot corners, prior to the on-site inspection.

5.4 Notification and Contour Interval

Within thirty (30) days after such preliminary on-site inspection, the Board shall notify the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision.

5.5 Rights not Vested

The submittal or 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, M.R.S.A., Section 302.
Article VI. Minor Subdivisions

6.1 General

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

6.2 Procedure

A. Within six (6) months after the on-site inspection by the Board, the sub-divider shall submit an application for approval of a Final Plan at least seven (7) days prior to a scheduled meeting of the Board. Failure to do so shall require 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.

B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of $80.00 payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover additional costs of advertising and postal notification.

C. The Board or its agent, shall notify in writing all owners of abutting property that an application for Subdivision approval has been submitted.

D. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

E. 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.

F. 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 in 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.

G. 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 an may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact of 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.

6.3 Submissions

A. 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 Deed, the other to be filed at the Municipal Office 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. Plans for Subdivisions containing more than one hundred (100) acres may be drawn on a scale of not more than two hundred feet (200' to 1") to the inch provided all necessary details can be read. Plans shall be no larger than 24 by 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 one (1") inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three 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, and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

2. Verification of right, title, or interest in the property.

3. A statement of financial and technical capability needed to complete this project.

4. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The Plan shall indicate the type of monument set or found at each lot corner.

5. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

6. A copy of any deed restrictions intended to cover all or part of the lots in the Subdivision.

7. 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 Department stating the Town has the capacity to collect and treat the wastewater shall be provided.
   b. When sewage disposal is to be accomplished by subsurface waste-water disposal systems, test pit analysis, prepared by a Licensed Site Evaluator, shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

8. Indication of the type of water supply system(s) to be used in the Subdivision.
   a. When water is to be supplied by public water supply, a written statement from a 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, and a written statement from the district approving the design of the extension shall be submitted.
   b. When water is to be supplied by the private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a Hydro geologist familiar with the area.

9. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the Plan, and the names of adjoining property owners. If the subdivider is not the owner of the property, evidence of the subdivider's right, title or interest to the property.

10. A copy of the portion of the County Soil Survey covering the Subdivision. When the medium intensity Soil Survey shows soils which 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 Registered Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
11. The number of acres within the proposed Subdivision, location of property lines, existing
buildings, watercourses, vegetative cover sites, and other essential existing physical features. On wooded sites, the Plan shall indicate the area where clearing for lawns and structures shall be permitted.

12. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.

13. 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.

14. A hydrogeologic assessment may be required for development which meet all of the following criteria:
   a. On-site subsurface wastewater disposal;
   b. Project is located on a sand and gravel deposit;
   c. On-site potable water supply wells; and
   d. Any of the lots are less than 80,000 square feet in size.
   NOTE: There may be special circumstances which do not meet all the criteria listed above for which a hydrogeologic assessment may be required.
   The hydrogeologic assessment should include at a minimum the information as described in Paragraph 11.10.

15. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

16. For Subdivisions involving forty (40) or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended level of service on the effected streets. Trip generations rates used shall be the means described in "I.T.E. Trip Generation Manual", 4th Edition, published by the Institute of Transportation engineers.

6.4 Final Approval and Filing

A. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

B. Upon findings of fact and determination that all Standards is Title 30-A, M.R.S.A., Section 4551, Subsection 3, and this Ordinance 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 fact and reasons 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 ninety (90) days of the date upon which the Plan is approved and signed by the Board shall become null and void.

C. No changes, erasures, modifications, or revisions shall be made on any Final Plan after the 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 modifications, except in accordance with Article IX. The Board shall make findings that the revised Plan meets the Standards of Title 30-A, M.R.S.A., Section 4551, subsection 3, and this Ordinance.
In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

D. 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 still 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 Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provisions for the cost of grading, development, equipment, and maintenance of any such dedicated area.

E. Failure to commence substantial construction of the Subdivision within five (5) years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining 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.
Article VII. Preliminary Plan for Major Subdivision

7.1 Procedure

A. Within six (6) months after the on-site inspection by the Board, the sub-divider shall submit an application for approval of a Preliminary Plan at least seven (7) 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 recommendation made by the Board.

B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of $15.00 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of $25.00 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 and to cover the cost of inspection if required improvements. If the balance in this special account shall be drawn down by seventy-five (75%) percent, the Board shall notify the applicant, and require the additional $10.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by seventy-five (75%) percent of the original deposit.

C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

D. Upon receipt of an application for Preliminary Plan approval of a Major Subdivision, the Board of its agent shall notify, in writing, all owners of abutting property that an application for Subdivision approval has been submitted.

E. Within thirty (30) days of receipt of a preliminary Plan application form and fee, 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.

F. 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 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 in 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.

G. 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 fact on the application, and approve, approve with conditions, or deny the fact and reasons for any conditions or denial.

H. When granting approval to a preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan.

2. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
pre-requisite to the approval of the Final Plan.

Approval of a 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 this Ordinance and the conditions of preliminary approval, if any. 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.

7.2 Submissions

A. Location Map: The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the Proposed Subdivision with the municipality. The Location Map shall show:

1. Existing subdivisions in the proximity of the proposed Subdivision.
2. Locations and names of existing and proposed streets.
4. An outline of the Proposed Subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

B. Preliminary Plan: The Preliminary Plan shall be submitted in three (3) 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. The Preliminary Plan shall be drawn to a scaled 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 at a scale of not more than two hundred (200) feet to the inch provided all necessary details can easily be read. In addition, the subdivider may be required to furnish one copy of the Plan(s) reduced to a size of 8 1/2 x 11 inches or 11 X 17 inches, and all accompanying information be mailed to each Board member no less than seven (7) days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:

1. Proposed name of the Subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers.
2. Verification of right, title, or interest in the property.
3. A statement of financial and technical capability needed to complete this project.
4. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments.
5. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
6. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the Subdivision.
7. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean Sea Level.
8. The number of acres within the proposed Subdivision, location of property lines, existing buildings, water courses, vegetative cover type, and other essential existing physical features.

9. 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 letter from the Sewer Department indicating there is adequate capacity within the department's system to transport and treat the sewage shall be submitted.
   b. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analysis, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

10. Indication of the type of water supply system(s) to be used in the Subdivision.

    When water is to be supplied by public water supply, a letter from the servicing water district shall be submitted indicating there is adequate supply and pressure for the Subdivision.

11. 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. If the subdivider is not the owner of the property, evidence of the subdivider's right, title or interest to the property.

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

13. The location of any zoning boundaries affecting the Subdivision.

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

15. 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.

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

17. The proposed lot lines with approximate dimensions and lot areas.

18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

19. The location of any open space to be preserved and a description of proposed improvement and management.

20. A copy of that portion of the 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 report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.

21. If any portion if 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.

22. A hydrogeologic assessment may be required for developments which meet all of the following criteria:
a. On-site subsurface wastewater disposal;
b. Project is located on a sand and gravel deposit;
c. On-site potable water supply sells; and
d. Any of the lots are less than 80,000 square feet in size.

NOTE: There may be special circumstances which do not meet all the criteria listed above for which a hydrogeologic assessment may be required.

The hydrogeologic assessment should include at a minimum the information as described in Paragraph 11.10.

23. An estimate of the amount and type of vehicular traffic to be generated in a daily basis and at peak hours.

24. For Subdivisions involving forty (40) or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a registered Professional Engineer with experience in traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets. Trip generation rates used shall be the mean value reported in I.T.E. Trip Generation Manual 4th edition, published by the Institute of Transportation Engineers.
8.1 Procedure

A. 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 at least Seven (7) days prior to a schedule meeting of the Board. If the application for the Final Plan is not submitted within six (6) months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.

B. All applications for Final Plan approval for Major Subdivision shall be accompanied by an application fee of $20 per lot or dwelling unit payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

C. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.
2. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

D. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

E. Upon determining 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. All owners of abutting property may be notified, in writing, that a Final Plan application for Subdivision approval has been submitted.

F. 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 three (3) prominent places at least seven (7) days prior to the hearing.

When a subdivision is located within 500 feet of a municipality 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.

G. The Planning Board shall notify 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 these officials comment upon the adequacy of their department's existing capital facilities to serve the proposed Subdivision.

H. Before the Board grants approval of the Final Plan, the subdivider shall meet the Performance Guarantee requirements contained in Article XIII.
If the Subdivision is located in more than one municipality, there shall be a joint meeting of the Planning Board(s) of the adjacent municipality to discuss the Plan.

J. 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, M.R.S.A., Section 4551, Subsection 3 and in this Ordinance. If the Board finds that all standards of the Statute and this Ordinance have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute and this Ordinance 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 reason for any conditions shall be stated in the records of the Board.

8.2 Submissions

The Final Plan shall consist of one 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 detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two (2') inches outside of the border line on the left side for binding and a one (1") inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three (3) copies of the Plan shall be submitted. The subdivider may, instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three(3) copies of the Final Plan. In addition, one copy of the Final Plan, reduced to a Size of 8 1/2 X 11 inches or 11x17 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:

A. Proposed name of the Subdivision and the name of the municipality it is located, plus the Assessor’s Map and Lot numbers.

B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a license 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. The number of acres within the proposed Subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

D. Indication of the type of sewage disposal to be used in the Subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement for the Sewer Department indicating the Department has reviewed and approved the sewerage design shall be submitted.

E. Indication of the type of water supply(s) to be used in the Subdivision.
   1. When water is to be public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.
   2. When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller
or a Hydrogeologist familiar with the area.

F. The date the Plan was prepared. Magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the Plan.

G. The location of any zoning boundaries affecting the Subdivision.

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

I. 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 deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

J. A Soil Erosion and Sedimentation Control Plan, prepared in accordance with the standards contained in the latest revised edition of the **Environmental Quality Handbook** published by the U.S. Soil Conservation Service.

K. A plan for the disposal surface drainage waters prepared by a Registered Professional Engineer, in accordance with the latest revised edition of Technical Release 55, **Urban Hydrology for Small Watersheds**, published by the U.S. Soil Conservation Service.

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

M. All parcels of land proposed to be dedicated to public uses 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.

N. 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-municipal districts. These list shall include but not be limited to:
   - Schools, including busing.
   - Street maintenance and snow removal.
   - Police and fire protection.
   - Solid waste disposal.
   - Recreation facilities.
   - Storm water drainage.
   - Wastewater treatment
   - Water supply

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

O. 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 to the Plan.

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8.3 Final Approval and Filing

A. No Plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

B. Upon findings of fact and determination that all Standards in Title 30-A, M.R.S.A., Section 4551, subsection 3, and this Ordinance 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 fact and reasons for any conditions or denial. One copy of the signed Plan shall be retained by the Board as part or 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 ninety (90) days of the date upon which the Plan is approved and signed by the Board shall become null and void.

C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the Proposed Subdivision informs the Board that their department of district does not have adequate capital facilities to service the Subdivision, the Board shall require the Plan to be divided into two or more section subject to any conditions the Board deems necessary in order to allow the orderly planning, financial and provision of public services to the Subdivision.

D. 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 modifications, except in accordance with Article IX. The Board shall make findings that the revised plan meets the Standards of Title 30-A, M.R.S.A., Section 451, subsection 3, and this Ordinance. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

E. 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 recreational 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 Plan contain to appropriate notes to this effect. The applicant and Municipal Officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

F. Failure to commence substantial construction of the Subdivision within five (5) years of the date of approval and signing the Plan shall render the Plan null and void. Upon determining 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.

*Above has been replaced with:* "Failure to construct at least SEVENTY-FIVE (75%) per cent of the infrastructure within TWO (2) years from the date of approval of a Subdivision Final Plan, shall require a review and reapproval of said Final Plan by the Planning Board; or shall be subject to being null and void.

The above mentioned infrastructure shall include any roads, sanitary/storm drainage system, water supply, and other standards as stated in the approved Final Plan and recorded at the Registry of Deeds.

Also, the Planning Board may extend the above mentioned TWO (2) year period, if the size of subdivision project merits longer time for completion of infrastructure.” (Approved by Town Council Aug. 21, 1991)
Article IX. Revisions to Approved Plans

9.1 Procedure

An applicant for a revision to a previously approved Plan shall, at least seven (7) days prior to a scheduled meeting of the Board, request to be placed on the Board’s agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for Preliminary Plan approval shall be followed. If the revision involves only modifications of the approved Plan, without the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed.

9.2 Submissions

The applicant shall submit a copy of the approved Plan, as well as three (3) copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this Ordinance.

9.3 Scope of Review

The Board’s scope of review shall be limited to those portions of the Plan which are proposed to be changed.
Article X. Enforcement

10.1 Inspection or Required Improvements

A. 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.

B. If the inspecting official 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, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

C. 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 modifications due to unforeseen circumstances such as encountering hidden out crops of bedrock, natural springs, etc. The inspecting official in writing shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocations of rights-of-way, property boundaries, changes of grade by more than one percent (1%), etc., the subdivider shall obtain permission to modify the Plans from the Board.

D. At the close of each summer construction season the Town shall, at the expense of the Subdivider, have the site inspected by a qualified individual. But December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered. No road construction shall be performed from December 1 through April 1 without permission of the Public Works Director. (Amended 9/13/90).

E. 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.

F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way at 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 meet or exceeds the design and construction requirements of this Ordinance. 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.

G. 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.

10.2 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
Board in accordance with this Ordinance.

B. 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.

C. No person, firm, 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.

D. 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 this Ordinance shall be punished by a fine of not less than $100, and not more than $2,500 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.

E. 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.

F. Development of a Subdivision without 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 Final Plan approved as provided in this Ordinance and recorded in the Registry of Deeds.

G. No lot in a Subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this Ordinance 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 complete in accordance with this Ordinance.
In reviewing applications for a subdivision, the Board shall consider the following General Standards and make findings 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.

11.1 **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 Ordinance.

11.2 **Retention of Open Spaces and Natural or Historic Features.**

A. The Plan shall, by notes on the Final Plan and deed restrictions, limit the clearing of all trees to those areas designated on the Plan.

B. The Board may require the reservation of up to ten percent (10%) of the area of the Subdivision as open space. In determining the need for open space the Board shall consider the proximity of the Subdivision to the neighboring dedicated open space or recreation facilities or scenic or natural beauty of the area; the needs identified in the municipal Comprehensive Plan or Recreation Plan for open space or recreation facilities in the neighborhood surrounding the Subdivision; the type of development and the demographic characteristics of potential residents in the Subdivision; and the density of lot sizes of the development.

C. 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.)

D. Reserved land acceptable to the Town and subdivider may be dedicated to the municipality as a condition of approval.

E. The Board may acquire that the Development Plans include a Landscape Plan, that shall show the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas. Cutting of trees on the northerly boarders of lots should be avoided as far as possible, to retain a natural wind buffer.

F. If the proposed Subdivision contains any identified historical or archeological sites, or any area identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be included in the open space, or suitably protected by appropriate covenants and management plans.

11.3 **Blocks.** Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require an utility/pedestrian easement, to provide for underground utility crossings and/or a pedestrian pathway of at least five (5') feet in width constructed in accordance with design Standards in Section 12.2K. Maintenance obligations of the easement shall be included in the written description of the easement.

11.4 **Lots.**

A. All lots shall meet the minimum requirements of the Town of Fairfield Land Use Ordinance.

B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.
C. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two (2) or more roads, the Plan, and deed restrictions shall indicate vehicular access shall be located on the less traveled way.

D. Wherever possible, side lot lines shall be perpendicular to the street.

E. 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 be combined with a lot on the other side of the stream, or road to meet the minimum lot size.

F. Flag lots and other odd shaped lots in which narrow strips are joined to other parcel in order to meet minimum lot size requirements are prohibited.

G. Lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed Subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers.

11.5 Utilities. Any underground utilities shall be installed prior to the installation of the final gravel base of the road.

11.6 Require Improvements. The following improvements are required for all Subdivisions unless waived by the Board in accordance with provisions of this Ordinance:

A. Monuments:

1. Stone monuments shall be set at all street intersections.

2. Iron Pins shall be set at all corners and angle points of the Subdivision boundaries where the interior angle of the Subdivision boundaries is 135 feet or less.

3. Stone monuments shall be a minimum of six (6") inches square at the top and six (6') feet in length, and set in the ground at final grade level. After they are set, drill holes, 1/2 inch deep shall locate the point or points described above.

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

5. Drill hole in bedrock may be required in areas not suitable to the placement of monuments.

B. Water Supply:

1. 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.

   a. The subdivider shall provide a written statement from the servicing water company or district that adequate water for both domestic and fire fighting 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.

   b. 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.
2. When 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.

   a. 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.

   b. 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 and shall conform to the Standards of the Maine Rules Relating to Drinking Water (10-44 A.C.M.R. 231).

   c. The subdivider shall construct ponds and dry hydrants to provide for adequate water storage for fire fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the Subdivision will not permit their construction.

C. Sewage Disposal

   1. 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 1,000 feet of the proposed Subdivision at its nearest point. The Sewer Department shall certify that providing service to the proposed Subdivision is within the capacity of the system’s collection and treatment system.

      b. The Sewer Department shall review and approve in writing the construction drawings for the sewage system.

   2. Private Systems: The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

D. Surface Drainage: The Storm Water Management Plans submitted in accordance with section 12.4 shall be installed.

11.7 Land Features.

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

B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion and to minimize storm water runoff.

C. To prevent soil erosion of shoreline areas, tree cutting in a strip extending one hundred feet (100') inland from the high water mark of any waterbody shall be limited in accordance with the following:

   1. No more than thirty (30%) percent of the total length of the strip on each lot shall be cleared.

   2. The removal of trees shall not create any single clear-cut opening greater than thirty (30') feet wide. Adjacent openings shall be separated by a distance of at least seventy (70') feet.
3. In the remaining seventy (70%) percent length of the strip, no trees larger than four (4") inches diameter at four (4') feet height shall be cut, and sufficient cover to preserve natural beauty and control erosion shall remain.

11.8 Dedication and Maintenance of Common Open Space and Services.

A. All common land facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a Homeowners Association, by an association which has its principle purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.

B. Further Subdivision 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 recreational or conservation uses may be erected on the common land.

C. The common open space shall be shown on the Final Plan with appropriate notation on the Plan to indicate that:

1. It shall not be used for future building lots; and

2. A part or all of the common open space may be dedicated for acceptance by the municipality.

D. 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 Homeowners Association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

E. Covenants for mandatory membership in the Homeowners Association setting forth the owners’ rights, interests, 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.

F. The Homeowners Association shall have the responsibility of maintain the common property.

G. 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.

11.9 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 principle structures on lots in the Subdivision shall be constructed with their lowest floor, including the basement, at least one foot (1') above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood area.

11.10 Impact on Ground Water.

A. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

1. A map showing the basic soils types.
2. The depth to the water table at representative points throughout the Subdivision.
3. Drainage conditions throughout the Subdivision.
4. Data on the existing ground water quality, either from test wells in the Subdivision or from existing wells on neighboring properties.

5. An analysis and evaluation of the effect of the Subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the Subdivision, at the Subdivision boundaries and at a distance of 500 feet from potential contamination sources, whichever is a shorter distance.

6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the Subdivision and within 200 feet of the Subdivision boundaries.

   B. Projections of ground water quality shall be based on the assumption of draught conditions (assuming sixty (60%) percent of annual average precipitation).

   C. No Subdivision shall increase any contaminant concentration in the ground water to more than one-half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

   D. If ground water contains contaminants in excess of the primary standards, and the Subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

   E. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

11.11 Access Control and Traffic Impacts.

   A. **General:** Provision shall be made for vehicular access to the Subdivision and circulation within the Subdivision in such a manner as to safeguard against hazards to traffic and pedestrians in existing streets and within the Subdivision, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the Subdivision. More specifically, access and circulation shall also conform to the following standards and design criteria below:

   1. The vehicular access to the Subdivision shall be arranged to avoid traffic use of existing local residential streets.

   2. Where a lot has frontage in two or more streets, the access to the lot shall be provided to the the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

   3. The street giving access to the Subdivision and neighboring streets which can be expected to carry traffic to and from the Subdivision shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated to the proposed Subdivision. No Subdivision shall increase the volume capacity ratio of any street above 0.8 nor reduce the street's Level of Service to "D" or below.

   4. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, and traffic controls within public streets.
5. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

6. Where topographic and other conditions allow, provisions shall be made for circulation access connections to adjoining lots of similar existing or potential use:
   a. When such access connection will facilitate fire protection services as approved by the Fire Chief; or
   b. When such services will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

B. **Subdivision Access Design for Subdivision Entering onto Arterial Streets.** When the access to a Subdivision is a street, the street design and construction standards of Article XII shall be met. Where there is a conflict between the Standards in this Section and the Standards of Article XII, the stricter or more stringent shall apply.

1. **General:** Access design shall be based on the estimated volume using the access classification defined below:
   a. Low Volume Access: Less than twenty-five (25) vehicle trips per day.
   b. Medium Volume Access: Any access that is not a low volume or high volume access.
   c. High Volume Access: Peak hour volume of 400 vehicles or greater.

2. **Sight Distances:** Accesses shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle a minimum of ten (10') feet behind the curb line or edge of shoulder, with the height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.
   a. Two Lane Roads: a sight distance of ten (10') feet for each mile per hour of posted speed limit shall be maintained or provided.
   b. Four Lane Roads: The sight distance provided below are based on passenger cars exiting from accesses onto four lane roads and are designed to enable exiting vehicles:
      (1) Upon turning left or right to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than ten (10) miles per hour, and
      (2) Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left.

<table>
<thead>
<tr>
<th>Operating Speed (mph)</th>
<th>Safe Sight Left (ft)</th>
<th>Safe Sight Right (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>130</td>
<td>130</td>
</tr>
<tr>
<td>30</td>
<td>220</td>
<td>260</td>
</tr>
<tr>
<td>40</td>
<td>380</td>
<td>440</td>
</tr>
<tr>
<td>50</td>
<td>620</td>
<td>700</td>
</tr>
</tbody>
</table>

3. **Vertical Alignment:** Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume accesses shall slope upward or downward from the gutter line on a straight slope of two percent (2%) or less for at least twenty-five (25') feet followed by a slope of
no greater than ten (10%) percent for the next fifty (50') feet. The maximum grade over the entire length shall not exceed fifteen (15%) percent. Medium and high volume accesses should slope upward or downward from the gutter line on a straight slope of two (2%) percent or less for at least twenty-five (25') feet. Following this landing area, the steepest grade on the access shall not exceed eight (8%) percent.

4. **Low Volume Access:**

   a. Skew Angle: Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no less than sixty (60) degrees.

   b. Curb Radius: The curb radius shall be between five (5') feet and fifteen (15') feet, with a preferred radius of ten (10') feet.

   c. Access Width: The width of the access shall be between twelve (12') feet and sixteen (16') feet, with a preferred width of sixteen (16') feet.

   d. Curb-Cut Width: Curb-cut width shall be between twenty-two (22') feet and forty-six (46') feet, with a preferred width of thirty-six (36') feet.

5. **Medium Volume Accesses:**

   a. Skew Angle: Medium Volume Accesses shall be eight one-way or two-way operation and shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

   b. Curb Radius: Curb radii will vary depending if the access is one-way or two-way operation. On a two-way access the curb radii shall be between twenty-five (25') and forty (40') feet, with a preferred radius of thirty (30') feet. On one-way accesses, the curb radii shall be thirty (30') feet for right turns into and out of the site, with a five (5') foot radius on the opposite curb.

   c. Width: On a two-way access the width shall be between twenty-four (24') feet and twenty-six (26') feet, with a preferred width of twenty-six (26') feet, however, where truck traffic is anticipated, the width may be no more than thirty (30') feet. On a one-way access the width shall be between sixteen (16') feet and Twenty (20') feet, with a preferred width of sixteen (16') feet.

   d. Curb-Cut Width: On a two-way access the curb-cut width shall be between seventy-four (74') feet and one hundred-ten (110') feet with a preferred width of a eighty-six (86') feet. On a one-way access the curb-cut width shall be between forty-six (46') feet and seventy (70') feet with a preferred width of fifty-one (51') feet.

6. **High Volume Access:**

   a. Skew Angle: High volume Accesses shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

   b. Curb Radius: Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between thirty (30') feet and fifty (50') feet. With channelization, the curb radii shall be between seventy-five (75') feet and one hundred (100') feet.
c. Curb-Cut width: Without channelization, curb-cut width shall be between one hundred six (106’) feet and one hundred sixty-two (162’) feet with a preferred width of one-hundred fifty-four (154’) feet. With channelization, the curb-cut width shall be between one hundred ninety-six (196’) feet and two hundred sixty-two (262’) feet with a preferred width of two hundred fifty-four (254’) feet.

d. Entering and exiting accesses shall be separated by a raised median which shall be between six (6’) feet and ten (10’) feet in width. Medians separating traffic flows shall be no less than twenty-five (25’) feet in length, with a preferred length of one hundred (100’) feet.

e. Width: Access widths shall be between twenty (20’) feet and twenty-six (26’) feet on each side of the median, with a preferred width of twenty-four (24’) feet. Right turn only lanes established by a channelization island shall be between sixteen (16’) feet and twenty (20’) feet, with a preferred width of twenty (20’) feet.

f. Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands.

7. Special Case Accesses: Special case accesses are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These accesses are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed access. These accesses are usually located along the approach to major signalized intersections where a raised median may be provided to protect left turning vehicles and separate opposing traffic flows.

a. Perpendicular driveways:
   (1) Curb Radii: Curb radii shall be between thirty (30’) feet and fifty (50’) feet, with a preferred radius of fifty (50’) feet.

   (2) Access Width: Access width shall be between twenty-six (26’) feet and thirty (30’) feet with a preferred width of thirty (30’) feet. On two-way accesses, a triangular channelization island shall be provided at the intersection with the street. On each side of the island the one way drive shall be between fifteen (15’) feet and twenty-four (24’) feet with a preferred width of twenty (20’) feet.

   (3) Curb-cut Width: The total curb-cut width shall be between eighty-six (86’) feet and one hundred thirty (130’) feet with a preferred width of one hundred thirty (130’) feet.

   (4) Channelization Island: The channelization island on two way accesses shall be raised and curbed corner radii shall be two (2’) feet.

b. Skewed Accesses:
   (1) Skew Angle: The skew angle shall be between 45 degrees and 60 degrees with a preferred angle of 45 degrees.

   (2) Curb Radii: Curb radii shall be between thirty (30’) feet and fifty (50’) feet on the obtuse side of the intersection, with a preferred radius if thirty (30’) feet. Curb radii shall be between five (5’) feet and ten (10’) feet on the acute side of the intersection with a preferred radius of five (5’) feet.

   (3) Access width: The width of the access shall be between fifteen (15’) feet and twenty-four (24’) feet with a preferred width of twenty (20’) feet. Where entering and exiting accesses meet, the width shall be between twenty-
four (24’) feet, with a preferred width if thirty (30’) feet.

(4) Curb-Cut Width: The curb-cut width for each access shall be between thirty-five (35’) feet and seventy-five (75’) feet with a preferred width of forty-two (42’) feet.

C. Access Location and Spacing.

1. **Minimum Corner Clearance**: Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access or minor street volume and intersection type.

<table>
<thead>
<tr>
<th>Access Type</th>
<th>Intersection Signalized</th>
<th>Intersection Unsignalized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Volume</td>
<td>150</td>
<td>50</td>
</tr>
<tr>
<td>Medium Volume</td>
<td>150</td>
<td>50</td>
</tr>
<tr>
<td>High Volume</td>
<td>200</td>
<td>250</td>
</tr>
<tr>
<td>Special Case</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right turn in only</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Right turn out only</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Right turn in/out only</td>
<td>100</td>
<td>50</td>
</tr>
</tbody>
</table>

Where the minimum standard for a full access drive cannot be met, only a special case access shall be permitted.

If based on the above criteria, full access to the site cannot be provided on either major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

2. **Access Spacing**: Access and street intersections shall be separated from adjacent accesses, streets and property lines as indicated in the table below, in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection if the property line at the edge of the roadway for access spacing to the property line.

SEE CHART PAGE 32
### MINIMUM ACCESS SPACING

<table>
<thead>
<tr>
<th>Access Type</th>
<th>Minimum Spacing to Property Line (Dpl)¹ (feet)</th>
<th>Minimum Spacing to Adjacent Access by Access Type² and (DSP)³</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low (feet)</td>
<td>Medium (feet)</td>
</tr>
<tr>
<td>Low Volume</td>
<td>5</td>
<td>***</td>
</tr>
<tr>
<td>Medium Volume</td>
<td>10</td>
<td>75</td>
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<tr>
<td>High Volume</td>
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<td>75</td>
</tr>
<tr>
<td>High Volume (w/oRT)*</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Special Case</td>
<td>10</td>
<td>75</td>
</tr>
</tbody>
</table>

¹ Dpl measured from point of tangency of access to projection of property line on roadway edge.

² For two (2) more accesses serving a single parcel, or from a proposed access from an existing access.

³ Dsp measured from point of tangency of access to point of tangency of adjacent access.

* High volume access without right-turn channelization.

** High volume with right-turn channelization.

*** Low volume accesses are not permitted in combination with other access types on a single lot.

**** Right-turn-in-only upstream of right-turn-out-only. Right-turn-out followed by right-turn-in not allowed.

### D. Number of Access:
The maximum number of accesses onto a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

1. No low traffic generator shall have more than one two-way access onto a single roadway.

2. No medium or high volume traffic generator shall have more than two (2) two-way accesses or three (3) accesses in total onto a single roadway.

### E. Construction Materials/Paving:

1. All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.

2. All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses regardless of access volume shall be paved with bituminous concrete pavement within thirty (30') feet of the street right-of-way.

11.12 Mobile Home Parks. No mobile home park shall be established without submittal of a detailed developmental design to the Planning Board for Subdivision review and subject to the following minimal guidelines:
A. The total area of every mobile home park shall consist of at least 5,000 square feet per unit if served by Town water and sewer, and at least 20,000 square feet per unit if NOT served by Town water and sewer.

B. Any road within a mobile home park shall be accessible by all emergency vehicles at all times.

C. A proper buffer barrier shall be maintained between the mobile home park and adjacent properties, as determined by the Planning Board.

D. No mobile home nor service structure shall be permitted within fifty (50') feet of any residential building located on an adjacent lot.

E. Each mobile home, within a park, shall conform to the Land Use set-back requirements.
Article XII. Street and Storm Drainage Design and Construction Standards

12.1 General Requirements.

A. The Board shall not approve any Subdivision Plan unless proposed streets and storm water management are designed in accordance with any local ordinance or the specifications contained in this ordinance. 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.

B. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a Plan view, profile, and typical cross-section of the proposed streets and existing within 300 feet of any proposed intersection. The Plan shall include the following information:

1. Date, scale, and magnetic or true north point.

2. Intersections of the proposed street with existing streets.

3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.

4. 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.

5. Complete curve data shall be indicated for all horizontal and vertical curves.

6. Turning radii at all intersections.

7. Center line gradients.

8. Location of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

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

D. Where the subdivider proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department or Transportation, as appropriate.

E. 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”.

F. The developer shall be required to pave a new Subdivision street or provide a bond to the Town for such purpose, prior to the sale of any lot, as a condition of approval by the Planning Board.

G. Any existing street in an already approved Subdivision, which is still privately owned as of December 6, 1995, and with respect to which an application to the Town for acceptance had been made as of June 9, 1989, shall be excepted from the requirement of this article. (Amended by Town Council, December 14, 1995)
12.2 Street Design Standards.

A. These design standards shall be met by all streets within Subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

B. Streets shall be designed to discourage through traffic within a residential Subdivision.

C. Reserve strips controlling access to street shall be prohibited except where their control is definitely placed with the municipality.

D. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in this ordinance.

E. Where a Subdivision borders an existing narrow street (not meeting the width requirements of the standards for street in this ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of the land in the Subdivision, the Plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes”. Land reserved for such purposes may not be included in computing lot area or setback requirement is indicated on the Official Map, the reserved area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

F. Any Subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two (2) street connections with existing public streets, streets shown on an Official Map, or streets on any approved Subdivision Plan for which Performance Guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more, shall have at least two (2) street connections leading to existing public streets, streets shown on an Official Map, or street on an approved Subdivision Plan for which Performance Guarantees have been filed and accepted.
The following design standards apply according to street classifications:

<table>
<thead>
<tr>
<th>Description</th>
<th>Arterial</th>
<th>Collector</th>
<th>Minor</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum R.O.W. Width</td>
<td>80’</td>
<td>60’</td>
<td>60’</td>
<td><strong>60’</strong></td>
</tr>
<tr>
<td>Minimum Pavement Width</td>
<td>44’</td>
<td>24’</td>
<td>22’</td>
<td>18’</td>
</tr>
<tr>
<td>Sidewalk Width</td>
<td>8’</td>
<td>5’</td>
<td>5’</td>
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</tr>
<tr>
<td>Minimum Grade</td>
<td>0.5%</td>
<td>0.5%</td>
<td>0.5%</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Grade</td>
<td>5.0%</td>
<td>8.0%</td>
<td>10.0%</td>
<td>10.0%</td>
</tr>
<tr>
<td>Minimum Centerline Radius</td>
<td>500’</td>
<td>230’</td>
<td>150’</td>
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</tr>
<tr>
<td>Minimum Tangent Between Curves or Rev. Alignment</td>
<td>200’</td>
<td>200’</td>
<td>100’</td>
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<tr>
<td>Roadway Crown</td>
<td>1/4”/ft</td>
<td>1/4”/ft</td>
<td>1/4”/ft</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Angel of Street Intersection (degrees)</td>
<td>90º</td>
<td>90º</td>
<td>75º</td>
<td>75º</td>
</tr>
<tr>
<td>Maximum Curb Radii at Intersection</td>
<td>2.0%</td>
<td>3.0%</td>
<td>3.0%</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Curb Radii at Intersection (each side)</td>
<td>30’</td>
<td>20’</td>
<td>15’</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Width of shoulders</td>
<td>5’</td>
<td>3’</td>
<td>3’</td>
<td>*<strong>N/A</strong></td>
</tr>
<tr>
<td>Minimum Front Property Line Abutting Cul-de-sac</td>
<td>For</td>
<td>All</td>
<td>Class</td>
<td>100’</td>
</tr>
</tbody>
</table>

* Pertains to 90 degrees intersections.
** Amended April 14, 2010 from sixty (60) feet to forty (40) feet.
*** Amended March 13, 2013 from 3’ to Not Applicable.

H. The centerline of the roadway shall be the centerline of the right-of-way.

I. Dead End Streets: In addition to the design standards above, dead end streets shall be constructed to provide a cul-de-sac turn-around with the following minimum requirements for radii: Property line sixty-five (65’) feet; outer edge of pavement fifty (50’) feet; inner edge of pavement thirty (30’) feet. 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. The Board may also require the reservation of a sixty (60’) foot easement in line with the street to provide continuation of the road where future subdivision is possible.

An alternate to a cul-de-sac would be a branch type turnaround consisting of a parcel of land at least sixty (60’) feet square and set off at a right angle on either side of a roadway, and whose length of pavement for said turnaround area from the centerline of the roadway to the end of the branch turnaround shall be at least fifty (50’) feet. Also, the length of pavement from the edge of the inside radius of the branch turnaround to the end of the street shall be at least sixty (60) to seventy-five (75) feet. For further reference, please see the diagram below. The branch type turnaround shall be built in accordance with the street construction provisions adopted by the Town of Fairfield.
The Board, on the advice of the Public Works Director, or an engineer, will set the type of turn-around required.

THE LENGTH OF THE PAVEMENT FROM THE EDGE OF THE INSIDE RADIUS OF THE BRANCH TURNAROUND TO THE END OF THE STREET SHOULD BE AT LEAST SIXTY (60) TO SEVENTY-FIVE (75) FEET.

THE LENGTH OF PAVEMENT FROM THE CENTER LINE OF THE ROADWAY TO THE END OF THE BRANCH SHALL BE AT LEAST FIFTY (50) FEET.

PARCEL OF LAND AT LEAST SIXTY (60) FEET SQUARE, SET OFF AT A RIGHT ANGLE ON EITHER SIDE OF THE ROAD WAY.

**BRANCH**

**J. Grades, Intersection, and Sight Distances.**

1. Grades of all streets shall conform in general to the terrain, so that cut fill are minimized while maintaining the grade standards above.

2. All changes in grade shall be connected by vertical curves to provide the following minimum stopping sight distances based on the street design speed.

   | DESIGN SPEED (MPH) | 20 | 25 | 30 | 35 |
---|-------------------|----|----|----|----|
Stopping Sight Distance | 125 | 150 | 200 | 250 |

Stopping sight distance shall be calculated with a height of eye at 3.5 feet and the height of object at 0.5 feet.

3. Where new street intersections or driveway curb-cuts are proposed sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limited and conform to the table below: Sight distances shall be measured for the driver’s seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of ten (10’) feet behind the curb line or edge of shoulder, with the height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement.

   | 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.

4. Cross (four-corner) 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 centerlines of side streets.

K. **Sidewalks:** Where stalled, sidewalks shall meet those minimum requirements.

1. **Bituminous Sidewalk:**
   a. The crushed aggregate base course shall be no less than eight (8") inches thick.
   b. The hot bituminous pavement surface course shall be no less than two (2") inches after compact.

2. **Portland Cement Concrete Sidewalks:**
   a. The sand shall be no less than six (6") inches thick.
   b. The Portland Cement concrete shall be reinforced with six (6") inch square, number 10 wire mesh and shall be no less than four (4") inches thick.

L. Granite curbing, if required, shall be installed on a thoroughly compacted gravel base of six (6") inches minimum thickness. Bituminous curbing, if required, shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.
12.3 Street Construction Standards.

A. Minimum thickness of material after compaction.

<table>
<thead>
<tr>
<th>Street Materials</th>
<th>Arterial</th>
<th>Collector</th>
<th>Minor</th>
<th>Private Right-of-way</th>
<th>Industrial/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate Sub-base Course (Max sized stone 4&quot;)</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>12&quot;</td>
<td>18&quot;</td>
</tr>
<tr>
<td>Crushed Aggregate Base Course</td>
<td>4&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>4&quot;</td>
</tr>
<tr>
<td>Hot Bituminous Pavement*</td>
<td></td>
<td></td>
<td></td>
<td>**3 1/2&quot;</td>
<td>**3&quot;</td>
</tr>
<tr>
<td>Total Thickness</td>
<td></td>
<td></td>
<td></td>
<td>**3&quot;</td>
<td>**3&quot;</td>
</tr>
<tr>
<td>Surface Course</td>
<td>1 1/2&quot;</td>
<td>1&quot;</td>
<td>1&quot;</td>
<td>1 1/4&quot;</td>
<td>1 1/4&quot;</td>
</tr>
<tr>
<td>Base Course</td>
<td>**2&quot;</td>
<td>**2&quot;</td>
<td>**2&quot;</td>
<td>**2&quot;</td>
<td>**2&quot;</td>
</tr>
</tbody>
</table>

* Optional - at the discretion of the Board
** Amended March 13, 2013

B. Preparation:

1. 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.

2. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable materials. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.

3. All organic materials shall be removed to a depth of two (2') feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two (2') feet below the subgrade of the roadway. On soils which have been identified by the Town Engineer 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. Except in a ledge cut 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. Where a cut results in exposed ledge as a side slope no steeper than four (4') feet vertical to one (1') foot horizontal 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.

C. Base and Pavement:

1. Bases:

   a. **The Aggregate Sub-base Courses** shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3") inch square mesh sieve shall meet the following grading requirements:
Aggregate for the sub-base shall contain no particles of rock exceeding four (4”) inches in any dimension.

b. **The Aggregate Base Courses** shall be sand and gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3”) inch square mesh sieve shall meet the following grading requirements:

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by Weight Passing Square Mesh Sieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/2 inch</td>
<td>45 - 70%</td>
</tr>
<tr>
<td>1/4 inch</td>
<td>30 - 55%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0 - 20%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0 - 5%</td>
</tr>
</tbody>
</table>

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. **Curbs and Gutters:** Curbs and gutters shall be installed within the urban compact area, or within any areas designated in the Capital Improvements Plan or Comprehensive Plan as areas of compact development.

4. **Pavements:**
   
a. Minimum standards for the base layer of pavement shall be the M.D.O.T. specifications for plant mix grade B with an aggregate size no more than one (1”) inch maximum.

   b. 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 no more than 3/4 inch maximum.

**12.4 Storm Water Management Design Standards.**

A. **Adequate provisions** shall be made for disposal of all storm water generated within the Subdivision, and any drained ground water through a management system of swales, culverts, under drain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing water-courses or storm drains.

1. 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 or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the Subdivision and over other properties. This storm water management system shall be designed by a Registered Professional Engineer.

2. Drainage easements for existing water-courses or proposed drainage ways shall be provided at least thirty (30’) feet wide, conforming substantially with the lines of existing natural drainage.
3. All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the two (2) year and the twenty-five year, twenty-four (24) hour duration, frequencies, based on rainfall data for Portland, Maine. When the Subdivision discharges directly to a major water body, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized.

4. The minimum pipe size for any storm drainage shall be twelve (12") inches. Maximum trench width at the outside diameter of the pipe plus two (2') feet. Pipe shall be bedded in a fine granular materials, 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.

B. The storm water 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 or twenty-five (25%) percent for potential increases in up-stream runoff.

C. Downstream drainage requirements shall be studied to determine the effect of the proposed Subdivision. The storm 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 (25%) percent for potential increases in up-stream runoff.

D. Catch basins shall be installed where necessary and located at the curb line.

E. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity. 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.

F. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

12.5 Storm Drainage Construction Standards.

A. Materials:

1. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASIM Designation C-76 (AASHTO 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASIM Designation C443-70, or of an approved performed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO 175 for the appropriate diameters.

2. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASIM Designation C-428 (AASHTO 198). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASIM Designation D-1869-63, or of an approved preformed plastic sleeve type.

3. Corrugate Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron and steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than five (5%) percent.
4. **ABS Pipe.** ABS (Acrylonitrile-butadiene-sytrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

5. **Corrugate Plastic Pipe.** Corrugated Plastic Pipe shall conform to the requirements of AASHTO M 252.

6. **Manholes.** Manholes shall be of precast truncated cone section construction meeting the requirements of ASIM Designation C 478 or present concrete manhole construction meeting the requirements of ASIM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, class 30 for gray iron castings or AASHTO M (ASTMA 283, Grade B or better) for structural steel.

7. **Catch Basins.** Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASIM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition in place 3,000 psi 28 day strength concrete or may be of precast concrete, place on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTMA 283, Grade b or better) for structural steel.

B. **Drain inlet alignment** shall be straight in both horizontal and vertical alignment unless specific approval of curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.

C. **Manhole** 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 four hundred (400') foot intervals.

D. **Upon Completion** each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

12.6 Additional Improvements and Requirements.

A. **Erosion Control:** The procedures outlines in the Erosion and Sedimentation Control Plan shall be implemented during the site preparation, construction, and clean-up stages.

B. **Cleanup:** 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 be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

C. **Street Names, Signs and Lighting:** Streets which join and are in alignment with street of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Board.
12.7 Certification of Construction. "As built" plans shall be submitted to the Municipal Officers. 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 the design and construction requirements of this ordinance.
Article XIII. Performance Guarantees

13.1 Types of Guarantees. With submittal of the application for Final Plan approval, the subdivider shall 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 construction costs.

A. Either a certified check payable to the Town or a savings account certificate of deposit naming the Town as owner, for the establishment of an escrow account;

B. A Performance Bond payable to the Town issued by a surety company, and acceptable to the Town.

C. An irrevocable letter of credit (see Appendix B for sample) from a financial institution establishing funding for the construction of the Subdivision, from which the Town may draw if construction is inadequate, in such form not substance acceptable by the Town; or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of the Performance Guarantee shall be determined by the Board or its agent, with the advice of the Town's Engineer, Road Commissioner, Municipal Officers, and/or Town Attorney.

13.2 Contents of Guarantee. The Performance Guarantee shall contain a construction schedule, cost estimate for each major phase of construction taking into account inflation, provisions 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 developer will be in default and the Town shall have access to the funds to finish construction.

13.3 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, but the consent of the subdivider shall not 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.

Before the Planning Board grants final approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Town a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town a Performance Bond to cover the full cost of the improvements. Any such bond shall be satisfactory to the Town Officers, Town Engineer or designated Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year, not to exceed three years, shall be set forth in the bond time within which required improvements must be completed. The certified check or bond 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. Provisions for phasing road construction and subdivisions are contained in the Subdivision rules and regulations 13.7. Any certified check shall be deposited in the name of the Town by the Treasurer, in a interest bearing account and shall bear the name of the Developer and of the proposed subdivision, and withdrawals shall be made after designated Engineer has certified the work as completed. The Planning Board shall be duly notified prior to any withdrawal. Any work which has not been completed, shall be performed at the discretion of the Town and such work shall be paid from the escrow account. The Planning Board will recommend to the
Town Council such disbursements from the escrow account as will pay for completed work in accordance with an approved disbursement schedule. (Amended by Town Council Feb. 12, 1991).

13.4 **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 subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the Subdivision for which approval is sought.

13.5 **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.

13.6 **Conditional Agreement.** The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial Performance Guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four (4) lots may be sold or built upon until either:

A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance and the regulations of the appropriate utilities; or

B. A performance Guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and pro-rated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the Performance Guarantees contained in Section 13.8.

13.7 **Phasing of Development.** The Board may approve the 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 in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

13.8 **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 the Town's Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

13.9 **Default.** If, upon inspection, the Town Engineer 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 shall so report in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall retain authority to take any steps necessary to preserve the Town's rights.

13.10 **Improvements Guaranteed.** Performance Guarantees shall be tendered for all improvements required by Section 11.7 of this Ordinance, and for the construction of the streets.
13.11 Inspection Fees. In addition to other fees for subdivision reviews (including 7.1B) the following fees are herein established in a separate interest bearing account to defray partially the cost of technical, legal, and administrative services required for the review, processing, and inspection of roads and streets: An amount equal to six (6%) percent of the estimated cost of construction to include water and sewer if applicable. This fee to be paid by the developer to the Town of Fairfield at the time of application for preliminary approval. Any unexpended monies will be returned to the developer upon completion of the project, and the designated engineer has certified the work as completed. (Amended by Town Council Feb. 12, 1991).
Article XIV. Waivers

14.1 Where the Board Makes Written Findings of Fact that 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 this Ordinance, 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 Official Map, the Comprehensive Plan, the Zoning Ordinance, or this Ordinance and provided the criteria of the State Subdivision Law are met.

14.2 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.

14.3 In Granting Waivers to any of this Ordinance in accordance with Sections 14.1 and 14.2, the Board shall require such conditions as will assure the objectives of this Ordinance are met.

14.4 Waivers to be Shown on Final Plan. When the Board grants a waiver to any of the standards of this Ordinance, the Final Plan shall indicate the waivers granted and the date on which they were granted.
Article XV. Appeals

15.1 An aggrieved party may appeal any decision of the Board under this Ordinance to Somerset Superior Court, within thirty (30) days.
1. **Defined.** A subdivision is 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 23, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality, unless the intent of that gift is to avoid the objectives of this Section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this Section.

In determining whether a tract or parcel of land is divide 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 (2) lots, by whomever accomplished by a subdivider who shall have retained one of the lots for his own use as a single family residence or for open space land as defined in Title 36, Section 1102, for a period of at least five (5) years prior to that second dividing.

A lot of at least forty (40) acres shall not be counted as a lot except:

A. Where the lot or parcel from which it was divided is located wholly or partly within any shore land area as defined in Title 38, Section 435; or

B. When a municipality has, by ordinance, or the Municipal Reviewing Authority has, by regulation, elected to count lots of forty (40) acres or more in size as lots for the purposes of this subsection where the parcel of land being divided is located wholly outside any shore land area as defined in Title 38, Section 435.

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

A "densely developed area" is defined as any commercial, industrial or compact residential area of ten (10) or more acres with an existing density of at least one principle structure per two (2) acres. A principle structure is defined as any building other than one which is used for purposes wholly incidental or accessory to the use of another building on the same premises.

The term Subdivision shall also include such developments as mobile home parks, multiple family dwellings, cluster housing, shopping centers, condominium, and industrial/commercial parks where there are three or more interests in the ground under or adjoining the units are also being conveyed.

**1-A. Special Protection for the Shore lands of Outstanding River Segments.**

In accordance with Title 12, Section 402, outstanding river segments shall include:

A. **The Aroostook River** from the Canadian Border to the Masardis and T.10, P. 6, W.E.L.S. town line, excluding the segment in T. 9, R. 5, W.E.L.S.;
B. The Carrabassett River from the Kennebec River to the Carr Bassett Valley and Mt. Abram Township town line.

C. The Crooked River From it’s inlet into Sebago Lake to the Waterford and Albany Township town line.

D. The Damariscotta River from the Route 1 bridge in Damariscotta to the dam at Damariscotta Mills.

E. The Dennys River from the Route 1 bridge to the outlet of Meddybemps Lake excluding the western shore in Edmunds Township and NO. 14 Plantation.

F. The East Machias River, including the Maine River, from 1/4 of a mile above the Route 1 bridge to the East Machias and T. 18, E.D., B.P.P. Townline, from the T.19, E.D., B.P.P. outlet of Crawford Lakes and from MO. 21 Plantation and Alexander townline to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond.


H. The Kennebago River from its inlet into Cupsuptic Lake to the Rangely and Lower Cupsuptic Township town line.

I. The Kennebec River from Thorns Head Narrows in North Bath to the Edwards Dam in Augusta, excluding Perkins Township, and from the Route 148 bridge in Madison to the Caratunk and The Forks Plantation town line, excluding the western shore in Concord Township, Pleasant Township and excluding Wyman Lake.

J. The Machias River from the Route 1 bridge to the Northfield and T.19, M.D., B.P.P. town line.

K. The Mattawamkeag River from the Penobscot River to the Mattawamkeag and Kingman Township town line, and from the Reed Plantation and Bancroft town line to the East Branch in Haynesville.

L. The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux town line, excluding Beddington Lake.

M. The Penobscot River, including the Eastern Channel, from Sandy Point in Stockington Springs to the Veazie Dam and its tributary, the East Branch of the Penobscot, from the Penobscot River to the East Millinocket and Grindstone Township town line.

N. The Piscataquis River from the Penobscot River to the Monson and Blanchard Plantation town line.

O. The Pleasant River from the bridge in Addison to the Columbia and T.18, M.D., B.P.P. town line, and from the T.24, M.D., B.P.P., and Beddington town line to the outlet of Pleasant River Lake.

P. The Rapid River from the Magelloway Plantation and Upton town line to the outlet of Pond in the River.

Q. The Saco River from the Little Ossipee River to the New Hampshire border.

R. The St. Croix River from the Route 1 bridge in Calais to the Calais and Baning Plantation town line, from the Baning Plantation and Baileyville town line to the Baileyville and Fowler Township town line, and from the Lambert Lake Township and Vanceboro town line to Flowage.
S. The St. George Lake from the Route 1 bridge in Thomaston to the outlet of Lake St. George in Liberty, excluding White Oak Pond, Seven Tree Pond, Rounch Pond, Sennebec Pond, Trues Pond, Stevens Pond and Little Pond.

T. The St. John River from the Van Buren and Hamlin Plantation town line to the Fort Kent and St. John Plantation town line, and from the St. John Plantation and St. Francis town line to the Allagash and St. Francis town line.

U. The Sandy River from the Kennebec River to the Madrid and Township E town line.

V. The Sheepscot River from the railroad bridge in Wiscasset to the Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributary, the West Branch of the Sheepscot from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China.

W. The West Branch of Pleasant River from the East Branch in Brownville to the Brownville and Williamsburg Township town line, and

X. The West Branch Union River from the Route 181 bridge in Mariaville to the outlet to Great Pond in the Town of Great Pond.

2. Municipal Review and Ordinance

A. Reviewing Authority. All request for Subdivision approval shall be reviewed by the Municipal Planning Board, agency or office or if none, by the Municipal Officers, hereinafter called the Municipal Reviewing Authority.

B. Ordinance. The Municipal Reviewing Authority may after a public hearing, adopt additional reasonable policies governing Subdivisions which shall control, until amended, repealed or replaced, by Ordinance adopted by the Municipal Legislative Body. The Municipal Reviewing Authority shall give at least seven (7) days notice of such hearing.

C. Record. On all matters concerning Subdivision review, the Municipal Reviewing Authority shall maintain a permanent record of all its meeting, proceedings and correspondence.

C - 1 Upon Receiving an Application, the Municipal Reviewing Authority shall issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Municipal Reviewing Authority shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Municipal Reviewing Authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed Subdivision.

D. Hearing Order. In the event that the Municipal Reviewing Authority determines to hold a public hearing on an application for Subdivision approval, it shall hold such hearing within thirty (30) days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the Subdivision is proposed to be located, at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.
The Municipal Reviewing Authority shall, within thirty (30) days of a public hearing or within sixty (60) days of receiving a completed application. If no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed Subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in Subsection 3 and to satisfy any other Ordinance adopted by the Reviewing Authority, and to protect and preserve the public’s health, safety and general welfare. In all instances the burden of proof shall be upon the person(s) proposing the Subdivisions. In issuing its decision, the Reviewing Authority shall make finding of fact establishing that the proposed Subdivision does or does not meet the foregoing criteria.

In addition, whenever the initial approval or any subsequent amendment of a Subdivision is based in part on the granting of a variance from any of the applicable Subdivision approval standards, that fact shall be expressly noted on the face of the Subdivision Plan to be recorded in the local Registry of Deeds or, in the case of any amendment if no amended plan is to be recorded, a certificate indicating the name of the current property owner, identifying the recorded deed in its chain file and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form and shall be recorded in the local Registry of Deeds within thirty (30) days of the final Subdivision approval or the variance shall be invalid. No rights may accrue to the variance recipient or his heirs, successors or assigns unless and until the recording is made within the thirty (30) days.

3. Guidelines. When promulgating any Subdivision Ordinance and when reviewing any Subdivision for approval, the Planning Board, agency or office, or the Municipal Officers, shall consider the following criteria and before granting approval shall determine that the proposed Subdivision:

A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents, and the applicable State and local health and water resources Ordinance;

B. Has sufficient water available for the reasonable foreseeable need of the Subdivision;

C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

D. 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;

E. 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;

F. Will provide for adequate sewage waste disposal;

G. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
I. Is in conformance with a duly adopted Subdivision Regulation or Ordinance, Comprehensive Plan, Development Plan, or Land Use Plan, if any;

J. The subdivider has adequate financial and technical capacity to meet the above state standards;

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

L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; and

M. The subdivider will determine, based on the Federal Emergency Management Agency’s Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the Subdivision is in a flood prone area. If the Subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the Subdivision. The proposed Subdivision Plan shall include a condition of plat approval requiring that principal structures on lots in the Subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

3-A. **Access to Direct Sunlight.** The Planning Board, agency or office or the Municipal Officers may, for purposes of protecting and assuring access to direct sunlight for solar energy systems, prohibit, restrict or control development through Subdivision Ordinance. The Ordinance may call for Subdivision Development Plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use controls.

4 **Enforcement.** No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration any land in a Subdivision which has not been approved by the Municipal Reviewing Authority of the municipality where the Subdivision is located and recorded in the proper Registry of Deeds, nor shall such person, firm, corporation or other legal entity sell or convey any land in such approved Subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term “permanent marker” includes but is not limited to the following: A granite monument, a concrete monument, an iron pin or a drill hole in ledge. No subdivision Plat or Plan shall be recorded by any Registry of Deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the Plat or Plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a Subdivision unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate Municipal Officials. Following the installation of service, the company or district shall forward the written authorization to the Municipal Officials indicating that installation has been completed.

Any person, firm, corporation or other legal entity who sells, leases, develops, builds upon, or conveys for consideration any land in a Subdivision which has not been approved as required by this Section shall be penalized in accordance with Title 30-A, M.R.S.A., Section 4506. The Attorney General, the municipality, the Planning Board of any municipality or the appropriate Municipal Officers may institute proceedings to enjoin the violations of this Section.

All Subdivision Plats or Plans required by this Section shall contain the name and address of the person under who’s responsibility the Subdivision Plat or Plan was prepared.
Exemptions. This section shall not apply to proposed Subdivisions approved by the Planning Board or the Municipal Officers prior to September 23, 1971, in accordance with laws then in effect nor shall it apply to Subdivision as defined by this Section in actual existence on September 23, 1971, that is not require approval under prior law or to a Subdivision as defined by this Section, a plan of which had been legally recorded in the proper Registry of Deeds prior to September 23, 1971. The division of a tract or parcel as defined by this Section into three (3) or more lots and upon all of Subdivision.

The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Section, shall not become subject of this Section by the subsequent dividing of said tract of parcel of land or any portion thereof, however, the Municipal Reviewing Authority shall consider the existence of such previously created lot or lots in reviewing a proposed Subdivision created by such subsequent dividing.

Revision to Existing Plat or Plan. Any application for Subdivision approval which constitutes a revision or amendment to a Subdivision Plan which has been previously approved shall indicate that the fact on the application and shall identify the original Subdivision Plan being revised or amended.

If a Subdivision Plat or Plan is presented for recording to a Register of Deeds and that Plat or Plan is a revision or amendment to an existing Plat or Plan, the Register shall indicate on the index for the original Plat or Plan that it has been superseded by another Plat or Plan and shall reference the book and page or cabinet and sheet on which the new Plat or Plan is recorded. In addition, the Register shall ensure that the book and page or cabinet and sheet on which the original Plat or Plan is recorded is referenced on the new Plat or Plan.
Appendix B
Sample Letter of Credit

Jane Planner, Chairman
You Town Planning Board
Town Hall
Your Town, Me. 04000

Dear Ms. Planner:


This letter will confirm to Your Town that the Big Town Savings Bank has issued a loan commitment to Developer, Inc., for the purpose of constructing all required improvements in the “Sunshine Estates” Subdivision.

Big Town Saving Bank will set aside $230,000 in a Construction Escrow Account, for completion of the required improvements. This account can be drawn upon by Your Town in the event that Developer, Inc., fails to complete steps a through H listed below for Windy road in or before (two years date of Final Plan).

A. Grub roadways full width of 50 feet - $4/ft. $9,400
B. Shape Sub-base and grade it - $4/ft. 9,400
C. Install under drain culverts - $16/Flt. 37,600
D. Install sewer $22/ft. x 2,050 plus pump $16,500. 61,600
E. Install water mains $14/ft. x 2,400 ft. 33,600
F. Apply and shape 18" gravel base
   $8.30/ft. x 2,350 ft. 19,500
G. Apply and shape 3" of crushed gravel;
   apply 1-3/4" of base course bituminous concrete
   to width of 24 ft., apply bituminous curb and 2"
   of bituminous concrete to a width of 5 ft.,
   $10/ft. x 2,350 feet, 23,500
H. Apply 3/4" of surface bituminous concrete
   to width if 24 ft - $5/ft. 11,800

Big Town Savings Bank understands that Developer, Inc., or the contractor, will notify the Town Engineer or Code Enforcement Officer before any of the above work has begun and obtain his approval in writing as he completes each phase of the road construction.

This account shall expire when Your Town acknowledges in writing to Developer, Inc., that the work outlined is Steps A through H has been completed in accordance with Your Town’s Subdivision Regulations and Street Acceptance Ordinance, and the approved plans of Sunshine Estates. Any funds remaining in the account on (date specified above) for work outlined in Steps A through H which has not been completed and approved by the Town on that date shall be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer has issued his written approvals for each step above to Developer, Inc., the funds in this account will be released based upon the schedule above.
Drafts drawn upon this account must be for this particular Subdivision and to complete any work which is outlined above. Furthermore, drafts must be accompanied by itemized statements showing costs or work to be completed and must be submitted prior to (six to nine months following date specified above). Your Town shall not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before (date specified above).

Very truly yours,

Loan Officer

SEEN AND AGREED TO:

__________________________________________
Developer, Inc.

to be performed.

Your Town

BY:

__________________________________________
Town Manager
## Town of Subdivision Application

### Subdivision Name: ____________________________  Application Number: ________________

### Applicant Information

1. **Name of Property Owner:**
   - Address: ____________________________

2. **Name of Applicant:**
   - Address: ____________________________
   - Telephone: ____________________________

3. If applicant is a corporation, check if licensed in Maine: yes __________ no __________
   and attach a copy of State's Registration.

4. **Name of applicant's authorized agent:**
   - Address: ____________________________
   - Telephone: ____________________________

5. **Name of Land Surveyor, Engineer, Architect or other preparing Plan:**
   - Address: ____________________________
   - Telephone: ____________________________

6. **Person and address to which all correspondence regarding this application should be sent to:**
   - ____________________________

7. **What legal interest does the applicant have in the property to be developed (ownership, option, purchase and sales contract etc.)?**
   - ____________________________

8. **What interest does the applicant have in any abutting property?**
   - ____________________________

### Land Information:

9. **Location of Property (from County Registry of Deeds):** Book _________ Page _________
   - *(from Tax Maps): Map _________ Lot(s) _________.*

10. **Current zoning of property:** ____________________________

11. **Is any portion if the property within 250 feet of the high water mark of a pond, river or salt water body?**
   - Yes _________ No _________

12. **Acreage to be developed:** ____________________________

13. **Indicate the nature of any restrictive covenants to be place in the deed:**
   - ____________________________

---

Appendix C  Model Application Form
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has this land been part of a prior approved Subdivision or other divisions within the past five (5) years?</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Identify existing use(s) of land. (farmland, woodlot, etc.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the parcel include any waterbodies?</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency?</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>List below the names and mailing address of abutting property owners and owners across the road:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**General Information:**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed name of development:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of lots or units:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anticipated date for construction:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anticipated date for completion:</td>
<td></td>
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</tr>
<tr>
<td>Does this development require extension of public infrastructure?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>roads</td>
<td>Yes</td>
<td>No</td>
<td>other</td>
</tr>
<tr>
<td>storm drainage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sidewalks</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>water lines</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>sewer lines</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>fire protection equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated cost for infrastructure improvements:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify method of water supply to the proposed development?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>individual wells</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>central well with distribution lines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>connection to public water system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>other, please state alternative</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Identify method of sewage disposal to the proposed development?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>individual septic tanks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>central on-site disposal with distribution lines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>connection to public sewer system</td>
<td></td>
<td></td>
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<tr>
<td>other, please state alternative</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Identify method of fire protection for the proposed development?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>hydrants connected to public water system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>dry hydrants located on an existing pond or water body</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>existing fire pond</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>other, please state alternative</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
Does the applicant propose to dedicate to the public any streets, recreation or common lands?
If any:

<table>
<thead>
<tr>
<th>Street(s)</th>
<th>Yes</th>
<th>No</th>
<th>Estimated Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation area(s)</td>
<td>Yes</td>
<td>No</td>
<td>Estimated Acreage</td>
</tr>
<tr>
<td>Common land(s)</td>
<td>Yes</td>
<td>No</td>
<td>Estimated Acreage</td>
</tr>
</tbody>
</table>

Does the applicant intend to request waivers of any of the Subdivision submission requirements? If yes, list them and state reasons for the request.

To the best of my knowledge, all above stated information submitted in this application is true and correct.

(Signature of applicant)  (date)