

Draft date ~~6/2010/19~~

10/24/19

Price \$5.00

TOWN OF WATERBORO

~~*Land-Subdivision Ordinance Regulations-*~~

~~*of the*~~

~~*Planning BoardBoard-*~~

Adopted August 9, 1972
Amended to June 23, 1988
Amended to March 11, 1989
Amended to July 18, 1989
Amended to April 26, 2003
Amended to January 17, 2012

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Amended to May 13, 2016
Amended to XXXXX 2019

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ARTICLE I AUTHORITY

Under statutory power and authority granted to ~~Planning Board~~Boards in accordance with 30 M.R.S.A., Chapter 454, Section 4401, the Waterboro ~~Planning Board~~Board, hereinafter called the Board, in an official meeting convened on August 9, 1972, adopted Land Subdivision Regulations of the ~~Planning Board~~Board of the Town of Waterboro, Maine. This Ordinance has subsequently been amended pursuant to 30-A M.R.S.A. Section 4401 et seq.

ARTICLE II ENFORCEMENT

No person, firm, corporation or other legal entity may sell, lease, or convey for consideration, offer or agree to sell, lease or convey for consideration any land in a subdivision which has not been approved by the ~~Planning Board~~Board or other reviewing authority of Waterboro and recorded by the Register of Deeds of York County in Alfred. No subdivision plan or plat shall be recorded by the said Register which is 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 service to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation or other legal entity who sells, leases, or conveys for consideration, offers or agrees to sell, lease or convey for consideration any land in a subdivision which has not been approved as required by this regulation shall be ~~punished by a fine in violation of this Ordinance and may be subject to enforcement pursuant to consistent with 30-A M.R.S.A. 30-A Section 4452, of not more than \$1,000. for each such sale, lease or conveyance for consideration, offering or agreement. The Attorney General, the Town or the Board of Selectmen may institute proceedings to enjoin the violation of this regulation.~~

ARTICLE III PURPOSE AND GUIDELINES

To exert a beneficial influence upon the use of land areas, water and other natural resources of Waterboro in such a manner as to safeguard the health, ~~safety and welfare~~ ~~comfort and privacy of its residents,~~ ~~and to encourage a healthy and orderly development of homes, commercial and industrial establishments and agricultural enterprises~~ for which community services, when required, can be most economically installed and efficiently utilized, thereby presenting the image of a town which has a forward-looking government responsive to expansion, but only consistent with the above ideals and realistic and reasonable concern for the environment.

To this end, when reviewing and approving subdivisions in the Town of Waterboro, Maine, the Board will consider the following criteria and, before granting approval, will determine that the proposed subdivision:

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- 1 A. Will not result in undue water or air pollution. In making this determination it will at least
2 consider: The elevation of the land above sea level and its relation to the flood plains, the nature
3 of soils and subsoils and their ability to adequately support waste disposal; the slope of the land
4 and its effect upon effluents; and the applicable State and local health and water resource
5 regulations.
- 6 B. Has sufficient water available for the reasonably foreseeable needs of the subdivision.
- 7 C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
- 8 D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water
9 so that a dangerous or unhealthy condition may result.
- 10 E. Will not cause unreasonable highway or public road congestion or unsafe conditions with
11 respect to use of the highways or public roads, existing or proposed, and for those subdivisions
12 that require driveways or entrances onto a state or state aid highway located outside of the urban
13 compact area, the Maine Department of Transportation has provided documentations indicating
14 that the driveways or entrances conform to 23 M.R.S.A. Section 704 and any rules adopted
15 under that statute.-
- 16 F. Will provide for adequate ~~solid and sewerage waste disposal~~ sewage waste disposal and will not
17 cause an unreasonable burden on the municipality's ability to dispose of solid waste, if
18 municipal services if they are to be utilized-.
- 19 G. Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste ~~and~~
20 ~~sewage~~, if municipal services are to be ~~used~~ utilized.
- 21 H. Will not have an undue adverse effect upon the scenic or natural beauty of the area, aesthetics,
22 historical sites, significant wildlife habitat identified by the Department of Inland Fisheries and
23 Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for
24 physical or visual access to the shoreline.
- 25 ~~H~~. Is in conformance with a duly adopted subdivision regulation or ordinance,
26 comprehensive plan, development plan, or land use plan, if any. In making this
27 determination, the municipal reviewing authority Planning BoardBoard may interpret
28 these ordinances and plans.
- 29 J. The ~~subdivider~~ applicant has adequate financial and technical capacity to meet the ~~Town,~~
30 ~~County and State regulations and standards~~ and requirements of this Ordinance.
- 31 K. Whenever situated, in whole or in part, within the watershed of any 250 ft. of any pond or, lake
32 or within 250 feet of any wetland, great pond or river -as defined in Title 38 M.R.S.A. chapter
33 3, subchapter I, article 2-B, the subdivision, it will not adversely affect the water quality or

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undesirably affect the shoreline of such body of water.

A1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of ~~250~~500 feet.

(4a) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, ~~the proposed~~ subdivision shall be reviewed as if lot lines extended to the shore.

(2b) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as gen-eral development or its equivalent under the Town's shoreland zoning, adopted pursuant to ~~Title~~ 38 M.R.S.A., chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of 30-A M.R.S.A. ~~s~~Section 4401, subsection 1, on September 23, 1983.

L. Will not result in an unreasonable burden upon school facilities. (NLB: How is this determined?)

ML. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

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

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1 N. All freshwater wetlands within the proposed subdivision have been identified on any
2 maps submitted as part of the application, regardless of the size of these wetlands. Any
3 mapping of freshwater wetlands may be done with the help of the local soil and water
4 conservation district.

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5 O. All farmland within the proposed subdivision has been identified on maps submitted as
6 part of the application. Any mapping of farmland may be done with the help of the local soil
7 and water conservation district.

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9 P. If any lots in the proposed subdivision have shore frontage on a river, stream, brook,
10 great pond or coastal wetland as these features are defined in Title 38 M.R.S.A.; sSection
11 480-B, none of the lots created within the subdivision have a lot depth to shore frontage
12 ratio greater than 5 to 1.

13
14 Q. The long-term cumulative effects of the proposed subdivision will not unreasonably
15 increase a great pond's phosphorus concentration during the construction phase and life of
16 the proposed subdivision.

17
18 R. For any proposed subdivision that crosses municipal boundaries, the proposed
19 subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect
20 to the use of existing public ways in an adjoining municipality in which part of the
21 subdivision is located; and

22
23 S. Timber on the parcel being subdivided has not been harvested in violation of rules
24 adopted pursuant to Title 12 M.R.S.A.; sSection 8869, subsection 14. If a violation of rules
25 adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has
26 occurred, the municipal reviewing authority Planning BoardBoard must determine prior to
27 granting approval for the subdivision that 5 years have elapsed from the date the landowner
28 under whose ownership the harvest occurred acquired the parcel. A municipal reviewing
29 authority-The Planning BoardBoard may request technical assistance from the Maine
30 Department of Agriculture, Conservation and Forestry, Bureau of Forestry, to determine
31 whether a rule violation has occurred, or the municipal reviewing authority Planning
32 BoardBoard may accept a determination certified by a forester licensed pursuant to Title 32
33 M.R.S.A.; chapter 76. If the Planning BoardBoard a municipal reviewing authority requests
34 technical assistance from the bureau, the bureau shall respond within 5 working days
35 regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall
36 make a finding and determination as to whether a rule violation has occurred. The bureau
37 shall provide a written copy of its finding and determination to the municipal reviewing
38 authority Planning BoardBoard within 30 days of receipt of the Planning BoardBoard's
39 municipal reviewing authority's request. If the bureau notifies a municipal reviewing
40 authority-the Planning BoardBoard that the bureau will not provide assistance, the
41 municipal reviewing authority Planning BoardBoard may require a subdivision applicant to
42 provide a determination certified by a licensed forester.
43 For the purposes of this subsection, "liquidation harvesting" has the same meaning as in
44 Title 12 M.R.S.A. ;sSection 8868, subsection 6 and "parcel" means a contiguous area

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1 within one municipality, township or plantation owned by one person or a group of persons
2 in common or joint ownership. This subsection takes effect on the effective date of rules
3 adopted pursuant to ~~Title 12 M.R.S.A.~~ sSection 8869, subsection 14.
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ARTICLE IV DEFINITIONS

- 1
- 2 A. *Abutter*: One whose property is contiguous to the perimeter of the tract developed or
3 proposed for development. (Note: you can give notice to anyone you want, but the term
4 “abutter” should not be defined in a manner that expands it beyond the dictionary definition)
- 5 B. *Comprehensive Plan*: Any part or element of the overall plan for the development of the Town
6 as defined in 30-A M.R.S.A. §§4401-4408, 4301 (Amended 05/13/2016).
- 7 C. *Construction Drawings*: Drawings showing the location, profile, grades, size and type of
8 drains, sewers, water mains, underground fire alarm ducts, underground power ducts and
9 underground telephone ducts or cables, pavement, street cross sections, miscellaneous
10 structures, etc.
- 11 D. *Easement*: The recorded authorization of a property owner for the use, by another, for a
12 specified purpose, of any designated part of his property.
- 13 E. *Final Subdivision Plan*: The final drawings on which the ~~subdivider~~applicant’s plan of
14 subdivision is presented to the ~~Planning Board~~Board for approval and which, if approved,
15 may be filed for recording with the ~~Town Clerk~~ and the ~~York~~ County Register of Deeds.
- 16 F. *Groundwater*: The water beneath the surface of the ground: the source of water in springs
17 and wells.
- 18 G. *Legislative Body*: ~~Town Council~~Select boardMeeting. (Style note: it’s either Select board or
19 ~~Select Board~~).
- 20 ~~H. Municipality: Town of Waterboro, Maine.~~
- 21 ~~I. Official Map: The map adopted by the Town showing the location of public property, ways
22 used in common by more than 2 owners of abutting property, and approved subdivision; and
23 any amendments thereto adopted by the Town, or additions thereto resulting from the approval
24 of subdivision plans by the ~~Planning Board~~Board, and the subsequent filing for record of such
25 approved plans.~~
- 26 ~~L.F. Official Submittal Date: The date of submission of of of a Reapplication Plan or Sketch Plan,
27 a Preliminary Subdivision Plan or a Final Subdivision Plan shall be the date of the meeting at
28 which time the application is found complete by the ~~Plannning Board~~ it is submitted. Upon
29 receipt of a plan or any application, the municipal reviewing authority shall issue to the
30 applicant a dated receipt. Within thirty (30) days from the receipt of an application, the
31 municipal reviewing authority ~~Planning Board~~Board shall notify the applicant in writing either
32 that the application is a complete application or, if the application is not complete, the specific
33 additional material needed to make a complete application. After the municipal reviewing
34 authority has determined that a complete application has been filed, it shall notify the applicant~~

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1 and begin its full evaluation of the propoposal sed subdivision. (Note: the second sentence is
2 a substantive provision that imposes deadlines; this should not be in the Definitions section.)

Comment [LJF1]: We should discuss this as to
twho the authority is and just what this means

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1 J.K. *Person*: Any firm, individual, association, organization, partnership, trust, company or
2 corporation.

3 K.L. *Planning Board*: The Planning Board of the Town of Waterboro, Maine,
4 created under 30-A M.R.S.A. §§4401-4408; or 30 M.R.S.A. Chapter 201-A, Section 1917.
5 (Amended 05/13/2016).

6 L.M. *Preliminary Sub-division Plan*: The preliminary formal drawings of the subdivision to be
7 submitted to the Planning Board for its review and consideration.

8 M.N. *Re-subdivision*: ~~The subdivision of any lot in a previously approved subdivision, the~~
9 ~~relocation of any approved boundaries, streets, or drainage ditches, of the use of originally-~~
10 ~~specified community land for other purposes.~~

11 N.O. *Sketch Plan*: An informal plat of the proposed subdivision indicating approximate lot
12 boundaries, street location community wells and sewage disposal areas (if any) and entrances
13 to existing roads.

14 O.P. *Street*: Includes such ways as alleys, avenues, boulevards, highways, roads, streets and any
15 other pedestrian or vehicular right-of-ways. (Note: Should this include solely pedestrian ways,
16 which would normally be trail easements and not subject to the street standards of the
17 Ordinance, as implied by including this language in the definition?)

18 P.Q. *Subdivision*: ~~See 30-A M.R.S.A. Sec. 4401 for the definition. A Subdivision is the division of a~~
19 ~~tract or parcel of land into three~~
20 ~~(3) or more lots within any five (5) year period, which period begins after September 23, 1971. This~~
21 ~~definition applies whether the division is accomplished by sale, lease, development, buildings or~~
22 ~~otherwise. The term "subdivision" also includes the division of a new structure or structures on~~
23 ~~a tract or parcel of land into 3 or more dwelling units within a 5 year period, the construction or~~
24 ~~placement of 3 or more dwelling units on a single tract or parcel of land and the division of an~~
25 ~~existing structure or structures previously used for commercial or industrial use into 3 or more~~
26 ~~dwelling units within a 5 year period. (Amended 05/13/2016). (Note: the definition of~~
27 ~~"subdivision" has to be exactly the same as in 30-A M.R.S.A. Sec. 4401(4); this doesn't have all~~
28 ~~of the language. Also, that section has recently been amended to delete single building~~
29 ~~subdivisions if a municipality has a site plan ordinance, so we need to review that issue.)~~

30
31 Q.R. *Tract or Parcel*: A tract or parcel of land is defined as all contiguous land in the same
32 ownership, ~~provided except~~ that lands located on opposite sides of a public or private road shall
33 be considered each a separate tract or parcel of land, unless such road was established by the
34 ~~Owner~~ owner of land on both sides ~~thereof~~ of the road after September 22, 1971.

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ARTICLE V PREAPPLICATION

5.1 PROCEDURE

~~In order that the Planning Board Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be used on the topographical map and grading plans for the subdivision, the subdivision shall:~~

5.1.1 An applicant shall schedule an appointment with the ~~Planning staff~~ Secretary of the Planning Board Board or its authorized representative to submit a sketch plan ~~and to meet with the Planning Board Board~~. Sketch Plan applications shall be submitted at least 14 days prior to the applicants' meeting with the Board. ~~The Board~~ will not take any formal action on the plan at that meeting. ~~The intent of the meeting is to introduce the proposed subdivision and provide-discuss with the applicant with any potential issues that the board may want to address during the Preliminary and Final review stages. The applicant will have to then schedule another appointment. A sketch plan meeting is not considered a substantive review under the provisions of 1 M.R.S.A. Section 302.~~

5.1.2 At the time of the pre-application inspection the ~~subdivider~~ applicant shall submit for informal discussion a Sketch Plan ~~and other data~~, relative to the proposed subdivision, which may be of assistance to the Board in making its determination. ~~The Board may require proof of ownership or of an option to purchase, or, authorization from the owner to develop the parcel.~~ The Sketch Plan shall be drawn to a scale of not over 200 ft. to ~~the one~~ one inch showing the proposed layout of the lots, streets, drainage ~~ditches~~, reserved land for community or public use, ledge outcroppings, historical preserves, trees of unusual size or interest, etc., including ~~the~~ the acreage range of lots: ~~anticipated price range of structures with land complete with well and sewage (if any).~~ ~~The Sketch Plan shall be accompanied by a fee of \$250 per lot or a minimum of \$1,000.~~

At the Sketch ~~p~~Plan stage ~~it~~ it will be determined ~~by the Planning Board Board and mutually agreed upon between the applicant and the board whether the overall if whether the plan for the entire lot is project will be developed as~~ a conventional subdivision or a cluster development. All cluster development designs are subject to the performance standards set forth in Section 8 of the Waterboro Zoning Ordinance.

~~Arrange for a joint inspection of the site with the Board's authorized representative.~~

ARTICLE VII PRELIMINARY PLAN

6.1 PROCEDURE

~~NOTE:~~ The ~~Planning Board Board~~ will not accept a Preliminary Plan for review until the Pre-application ~~application (sketch)~~ procedure has been ~~completed~~.

6.1.1 Within ~~6 months of being in front of meeting with the Board with a sketch plan a time frame~~

Comment [LJF2]: Update

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Comment [LJF3]: Need to format with the rest of the ordinance

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- 1 ~~set by the Board~~, the ~~applicant subdivider~~applicant shall submit ~~the his~~Preliminary Plan for
- 2 consideration and recommendations. Failure to do so shall require resubmission of the Sketch Plan.
- 3 The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any
- 4 recommendations made by the Board ~~and agreed to by the developer~~, at the time of the discussion
- 5 of the Sketch Plan.

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1 6.1.2 The ~~applicant subdivider~~ applicant or his/her duly authorized representative shall, at least 14 days
2 prior to his/her scheduled meeting before the Board, submit a ~~complete~~ Preliminary Plan Application. _
3 The ~~subdivider~~ applicant or the applicant's duly authorized representative shall attend his/her scheduled
4 meeting of the Board to discuss the Preliminary Plan. If the Preliminary Plan Application is not
5 submitted 14 days prior to the applicant's meeting the Board will not take action on the plan at that
6 meeting. The applicant will have to schedule another ~~appointment~~ meeting. The Board shall take up to
7 30 days to find the application complete. At the time of submission, the applicant shall notify all
8 abutters and any other entities that may require notification and certify in writing as part of the
9 application that this has been completed.(Note: The statute requires that notice be provided to abutters
10 and the clerk and reviewing authority of municipalities that abut or include any portion of the
11 subdivision, as well as any public drinking water supplier if the subdivision is within its source water
12 protection area-30-A M.R.S.A. Sec. 4403(3); this notice is supposed to be provided upon receipt of the
13 application. Also, the Town is supposed to give the applicant notice within 30 days if it determines that
14 the application is not complete.)

15 ~~6.1.3 The recorded time of the submission of the Plan shall be as defined in Article IV, "Definitions".~~

16 6.1.34 Within sixty (60) days after formal submission of a completed Preliminary Plan Application,
17 the Board shall take action to give preliminary approval, with or without modification required, or the
18 grounds for disapproval shall be stated in the minutes of the Board and conveyed to the applicant in
19 writing. Prior to approval of the Preliminary Plan, the Board ~~may~~ hold a Public Hearing. (Note: State
20 law says a public hearing is to be held within 30 days after the determination that the application is
21 complete; it also requires newspaper notice, twice, with the first at least 7 days prior to the hearing. I
22 think the Town gives more notice than this. While the notice is required for the public hearing, the
23 statute is not clear as to whether it is required at both Preliminary and Final Plan review; my
24 recommendation is to hold a hearing at each stage and to give the required notice.)

Comment [LJF4]: May or shall???

25 6.1.45 When granting preliminary approval to a Preliminary Plan, the Board shall state the
26 conditions of such approval, if any, with respect to:

27 1. The specific changes which ~~it will be~~ required in the Final Plan.

28 2. The ~~character and extent of the required standards improvements~~ for which waivers may have been
29 requested and which, ~~in its opinion, the Board determines~~ may be waived without jeopardy to the intent
30 and purposes of this ~~regulation~~ Ordinance. See Article XI for waiver requirements and the application
31 form for waiver request sheets (Note: Should this include submission requirements? Also, should
32 standards be waived?)

Comment [LJF5]: Not sure this read very well

33 3. ~~The amount of improvement or the amount of all bonds therefore which it will require as prerequisite~~
34 ~~to the approval of the Final Plan. The decision of the Board plus any conditions imposed shall be noted on~~
35 ~~three (3) copies of the Preliminary Plan, one retained by the Board, one sent to the Selectmen and one~~
36 ~~returned to the subdivider.~~

37
38 6.1.6 Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather, it shall be

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1 deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the
2 preparation of the Final Plan. The Final Plan shall be submitted for approval ~~of by~~ the Board and for
3 recording upon fulfillment of the requirements of these regulations and the conditions of the preliminary
4 approval, if any.

5 6.1.7 Within seven (7) days after submitting the Preliminary Plan, the developer shall notify, by certified
6 ~~proof of mailing~~, all property owners within two hundred (200) feet of the perimeter of the proposed
7 development, ~~that they have seven (7) days from the mailing date in which to register, by mail, with the~~
8 ~~Waterboro Planning Board Board, their adverse reaction and comment relative to the proposed~~
9 ~~subdivision.~~ The developer shall, at the same time, send a copy of the notice and list of those notified to
10 ~~the the Planning Board Board; for verification of a butter notification.~~ (Note: the Town should be
11 responsible for the sending of the notice, with the costs to be reimbursed by the applicant. The Town
12 gets blamed if the notice is done incorrectly, so it should be the one doing the notice; also, other
13 provisions of the Ordinance require the Town to provide notice at other stages).

Comment [LJF6]: Change 7 to 10?

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6.1.8 When professional services are required to evaluate a proposal, design or assessment, the expense of these reviews shall be borne by the ~~subdivider~~ applicant. The cost shall be paid to the ~~Planning Board~~ ~~Board's consultant~~ ~~Town of Waterboro~~ prior to ~~Final Plan approval~~ the release of the signed subdivision plat. ~~(Note: It can't be required to be paid prior to Final Plan if you also need review at that stage, but it could be tied to something else, such as commencement of improvements).~~ (Amended 6/23/1988).

Comment [LJF7]: Pull wording from Zoning ordinance

6.2 PRELIMINARY PLAN

6.2.1 The Preliminary Plan shall be submitted in ~~four (4)~~ fifteen (15) copies of one or more maps or drawings which may be printed or reproduced on size 24 inch by 36 inch paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than sixty (60) feet, and showing or accompanied by the following information:

Comment [LJF8]: Do you want to go electronic?

1. The proposed subdivision name or identifying title, the name of the town and state, the date, the graphic scale, and the true North arrow displayed in a conspicuous place.

2. Name and address of the ~~record~~ owner of record, ~~subdivider~~ applicant, soil scientist, designer and/or engineer and land surveyor.

3. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.

4. The names of all subdivisions immediately adjacent and the names of owners of record of other adjacent parcels, not subdivided, including those subdivisions and parcels directly across abutting streets, streams and right-of-ways.

5. The provisions of the Zoning Ordinance applicable to the area to be subdivided and any Zoning district boundaries affecting the proposed subdivision.

6. The location and size of any proposed or existing ~~sewers~~, water mains, culverts or drains, and existing ~~wetlands~~ ~~swampy areas~~, brooks, perpetual springs ~~of significant size~~ and natural drainage ditches.

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7. Locations, names and present widths of existing and proposed streets, highways, ~~easements~~, building lines, alleys, parks and other public open spaces. ~~(Note: I added easements back in as they have to be shown on the subdivision plan).~~

8. The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the ~~subdivider~~ applicant. ~~Any new streets shall also have a copy of the Driveway Entrance Permit submitted to Public Works for approval.~~ ~~(Note: This should happen at or after final, not as part of preliminary.)~~

~~9.~~ Contour lines at such intervals as the Board may require. ~~(May be required on a separate transparency).~~

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- 1 ~~10-9.~~ A Log of On-Site Soil Investigations by a Registered Soil Scientist, made in accordance with
2 the requirements of the State Plumbing Code, for two (2) test pits per lot separated by a minimum
3 of 50 feet, the location of which to be clearly delineated on both the Preliminary and Final Plans;
4 also indicating the 100 foot separation between the test pit locations and any proposed well
5 locations. also the sewage disposal system recommended for each lot.
- 6 ~~11-10.~~ Deed description of and plan of perimeter survey of tract to be developed, made and certified
7 by a Registered Land Surveyor and tied to established permanent reference points; reference to
8 lot number or numbers as shown on the Town Tax Maps, also book and page in and on which the
9 deed for the tract is recorded.
- 10 ~~12-11.~~ Connection with existing public or private community water supply.
- 11 ~~13-12.~~ Connection with existing public or private community sanitary sewerage system.
- 12 ~~14.~~ Provisions for collecting and discharging storm drainage, in the form of a drainage plan and
13 calculations.
- 14 ~~15-13.~~ Preliminary designs of any bridges and size of which are proposed, showing their location.
- 15 ~~16-14.~~ Proposed lot lines with approximate dimensions, lot numbers or names, approximate lot
16 acreage and suggested location of buildings each lot shall also have 911 addressing approved by
17 the town's addressing officer along with any proposed street names approved by the towns review
18 agent in charge. (Question: wouldn't the street names be reviewed as part of final plan approval
19 and wouldn't addresses be assigned when building permits are issued?)
- 20 ~~17-15.~~ Location of temporary boundary markers conspicuous enough to enable the Board to readily
21 locate and envision, while in the field, ~~the basic layout.~~
- 22 ~~18-16.~~ All parcels of land proposed to be dedicated to public or community use and with a statement
23 of the conditions of such dedication.
- 24 ~~19-17.~~ Proposed use of any part of the original tract which is not to be included in the subdivision.
- 25 ~~20-18.~~ The location of all natural features or site elements to be preserved.
- 26 ~~21-19.~~ A soil erosion and sediment control plan, ~~containing the endorsement of the York County Soil~~
27 ~~and Water Conservation District or the Maine Soil and Water Conservation Commission.~~
- 28 ~~22-20.~~ A statement relative to the schedule of construction.
- 29 ~~21.~~ A statement relative to the amenities or services and future responsibilities therefore.
- 30 ~~23.~~ Submission of local and/or state Highway Entrance permits. (Note: This duplicates language
31 in #8: see comment there about timing.)

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Provisions for centralized mail delivery. Applicant must contact the State of Maine E911 coordinator and provide to the board evidence that newly created lots will receive a new E911 address from the state.

1. A location map showing the geographical location of the subdivision in the Town.
2. A hydrogeological Analysis

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When requested or required by the ~~Planning board~~ Board the applicant shall provide an analysis as outlined below. -The applicant may request a waiver consistent with Article XI if the applicant can demonstrate that one is not needed. (Note: if this is only required when the ~~Planning Board~~ Board says it is, there's no need for a waiver.)

2. A report prepared by a geologist registered in the State of Maine and qualified, by training and experience, to evaluate the impact which the proposed development, alone or in conjunction with existing activities, will have on the quality of groundwater. The report shall include an analysis of the groundwater impact predicted for the construction which is proposed; of the water supplies serving the development; and of any other aspects of the proposed development which may, either alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater in the area.

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A hydrogeologic impact study prepared by a State of Maine ~~Certified~~ Licensed geologist or a ~~Registered licensed P~~ professional Engineer with experience in hydrogeology shall be provided for all subdivisions utilizing on-site septic disposal systems. This study shall contain, at a minimum, the following components:

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A. 1. A high intensity soil survey in accordance with the current standards set by the Maine Association of Professional Soil Scientists. The map shall include documentation of the different drainage classifications. (Amended 3/1/1989).

2. Groundwater levels and flow rates through the site and the aquifer, if one is determined to exist, should be determined

a. monitoring wells should be installed, using an acknowledged procedure, to insure proper data collection.

b. the number of monitoring wells could vary, depending upon size and geology, but a minimum of three, laid out

in a plan triangle would be needed to provide the necessary data to triangulate the levels and flows.

c. ground water levels shall be surveyed to a common datum on site.

d. groundwater flow rates should be calculated by using groundwater gradients and soil permeability.

e. monitoring wells should remain in place and in a useable condition for continued use into the future. The

developer should provide means to insure the protection of these wells. Amended (3/11/1989).

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1. An analysis of surface drainage conditions and their relationship to ~~off site~~ offsite conditions.

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2. Data on existing groundwater quality for the site should be provided. Collection of this data can either be provided by monitoring wells within the proposed subdivision or by existing wells on abutting properties, provided that the data collected from those wells would represent the groundwater on the site to be used for drinking water. Amended (3/11/1989).

3. A calculation of average nitrate nitrogen levels on-site after development and calculation of nitrate nitrogen levels at the down gradient property line(s). These calculations should be done under normal rainfall and draught conditions.

4. The sites recommended for the individual subsurface waste water disposal systems and the drinking water wells in the subdivision should be placed on the subdivision plan. Amended (3/11/1989).

B. No development shall increase nitrate nitrogen concentrations at the property line of the development in excess of (5mg/L).

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On site drinking water wells shall be located in areas where it has been determined that the nitrate nitrogen concentrations are at or below (5mg/L). Added (3/11/1989).

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C. If groundwater contains contaminants in excess of the primary drinking water standards, and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated and the developer shall make a note on the plan and deed that the situation exists. (Amended 3/11/1989).

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1 D. Subsurface waste water disposal systems and drinking water wells shall be constructed
2 in the locations shown on the map submitted with the assessment. If construction
3 standards for drinking water wells and subsurface waste water disposal systems are
4 recommended in the assessment those standards shall be included as a note on the
5 final plan, and as restrictions in the deeds for the effected lots. Amended (3/11/1989).

6 ~~E. The developer shall assume bear all of the cost for the Planning Board's consultant to
7 review the hydrogeologic impact study. The Planning Board's consultant fee shall be
8 paid within thirty (30) days of its transmission to the developer. This amendment is
9 intended to be retroactive, and shall apply to all hydrogeologic impact studies
10 submitted after March 12, 1988. Amended (6/23/1988). (Note: there is an earlier
11 reference to developer responsibility for payment of fees; this should either be
12 included in that or there should be a specific reference in that section to this section.)~~

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13 6.2.2 Land covered by proposed subdivision shall be so marked in the field that the Planning
14 BoardBoard may readily observe locations of proposed roads and lot comers while making its on-
15 site inspection.

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ARTICLE VII FINAL PLAN

7.1 PROCEDURE

18 7.1.1 The ~~subdivider~~applicant shall, within ninety (90) days after the approval of the Preliminary
19 Plan, file with the ~~Planning Board~~Board an application for approval of the Final Subdivision Plan in
20 the form described herein. ~~(See Appendix IV)~~ If the Final Plan is not submitted to the Board within
21 this time the Board may, without prejudice, refuse to act upon it for an additional ninety days. The
22 ~~subdivider~~applicant shall at least 14 days prior to his/her scheduled meeting before the Board submit
23 a completed Final Plan. If the Final Plan application is not submitted in 14 days prior to the applicants
24 meeting the Board shall not take action on the plan at that meeting. ~~The applicant will have to~~
25 ~~schedule another appointment.~~ ~~All Final Plans submitted for approval shall be accompanied by a fee~~
26 ~~of \$.75 per lineal foot of road, plus \$.50 per lineal foot of pipe, payable to the Town of Waterboro,~~
27 ~~Maine.~~

Comment [LJF9]: Does this match our fee schedule

28 7.1.2 The time of submission of the Plan shall be as defined in Article III, "Definitions".

29 7.1.3 ~~The subdivider~~applicant shall give evidence that the proposed method of water supply meets
30 ~~the requirements of the State of Maine Department of Health and Human Services, Health~~
31 ~~Engineering, if applicable, the Department of Environmental Protection.~~

Comment [LJF10]: Not sure we need this

32 ~~7.1.4 A~~7.1.4 A Public Hearing on the Plan ~~may~~ will be held by the ~~Planning Board~~Board, if
33 requested or if the Board deems it desirable. Such a hearing will get the normal posting and
34 advertisement ~~with all fees being paid by the applicant.~~ ~~(Note: as stated in preliminary, my advice~~

Comment [LJF11]: May or shall??

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1 is to hold a duly notice public hearing at both preliminary and final; that is not required by the
2 statute, though.)
3

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1 The ~~subdivider~~applicant shall comply with the performance and maintenance guarantee
2 requirements set forth in ~~Article X of this Subdivision Ordinance. Sections 12.04-12.07 of the~~
3 ~~Zoning Ordinance. (Amended 11/17/2012)~~

4 The ~~Planning Board~~Board shall, within sixty (60) days of the submission of the Final Plan, or
5 within thirty (30) days after a public hearing, except as stated in 7.1.1, approve, ~~modify and~~approve,
6 ~~with conditions~~ or ~~deny~~approve it the application. The reasons for any ~~conditions~~modification
7 required or the grounds for ~~denial~~disapproval shall be stated upon the ~~records~~Findings of Fact of the
8 ~~Planning Board~~Board's review and transmitted to the developer in writing.

9 7.2 SUBMISSIONS

10 The Final Plan shall be drawn on one 24" x 36" ~~20-lb White bond paper Mylar~~ for recording
11 and shall be submitted along with ~~seven~~Ten (7/10) regular copies of it. Space shall be provided
12 thereon for endorsement by all appropriate agencies. (Note: for plans dated after January 1, 2020, the
13 Registry will only accept for recording plans on white paper with a minimum weight of 20 pounds;
14 Mylars will no longer be accepted, so it's probably best to revise this now; the Registry will accept
15 plans on 20-lb paper starting in September.) It shall show:

16 1. All of the information presented on the Preliminary Plan and location Map and any
17 amendments thereto suggested, required or agreed to by the Board.

18 2. The name, registration number and seal of the land surveyor, architect, engineer or planning
19 consultant and soil scientist involved in its conception.

20 3. Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or
21 dedicated to public or community use ~~and the~~ Submission of local and/or state Highway Entrance
22 permits if any are required.-

23 4. Sufficient data acceptable to the ~~Planning Board~~Board to determine readily the location,
24 bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the
25 ground. Where practical, these should be tied to reference points previously established.

26 5. The length of all straight lines, the deflection angles of all curves, tangent distances and
27 tangent bearings for each street.

28 6. By proper designation, all public and/or community open space for which offers of
29 ~~cessionaire~~cessionary made by the ~~subdivider~~applicant and those spaces to which title is reserved by
30 the applicant.~~him~~.

31 7. Lots ~~and blocks~~ within the subdivision numbered in accordance with local practice.
32 (Questions: 1. What is "local practice?" 2. Does the Town show blocks in subdivisions?)
33

34 1. Permanent reference monuments shall be shown ~~thus as~~ : "X". They shall be constructed in
35 accordance with specifications prescribed herein and their location noted and referenced upon the
36 Final Plan.

Comment [LJF12]: Number of copies???

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1 2. The ~~subdivider~~applicant shall receive written approval from the E911 coordinator of any
2 proposed road names prior to final plan approval and show the road name(s) on the final plan.
3 The applicant shall mark on the plan, lines or dots in the center of the streets at every fifty (50)
4 foot interval so as to aid in the assignment of numbers to structures subsequently constructed and
5 all other requirements set forth in conformance with the Enhanced 9-1-1 Ordinance adopted
6 June 3, 1995.

7 3. Wherever any residence or other structure is developed, it shall be the duty of the lot owner
8 to procure the assigned number from the E911 coordinator. This shall be done at the time of
9 issuance of the building permit. (Question: Does this need to be here? It's already in the E 911
10 Ordinance and this isn't a submission requirement since it happens at building permit.)
11
12
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17 7.3 FINAL APPROVAL AND FILING

18 7.3.1 Upon ~~completion of the requirements in Articles VI and VII, above~~ approval by the Planning
19 Board, a notation to that effect upon the plan and the affixing of the signatures of a majority of
20 the Board members on the Final Plan shall be deemed to have final approval, subject to any
21 conditions that the Board required as part of the approval. One of the ~~seven-ten (10)~~ submitted prints
22 plans shall be transmitted to the Board of Selectmen for the Town records and the others retained by
23 the Planning Board and the Planning Department. After the required performance guarantee
24 has been posted, the original inked signed drawing plan shall be returned to the ~~subdivider~~applicant
25 who shall, within ~~sixty-ninety (690)~~ days after the date of approval and not having been notified by
26 the Selectmen of any objections, file it in the York County Registry of Deeds ~~at Alfred~~. (Note: 90
27 days is consistent with the provision that states that any plan with waivers must be recorded within
28 90 days of subdivision approval)

29 Failure to file record within the specified ninety sixty (690) days from the date of approval shall
30 ~~void-cause~~ the approval to expire and to become null and void unless the ~~subdivider~~applicant can
31 demonstrate, to the satisfaction of the Board that the delay was due to causes beyond ~~his~~
32 applicant's control, in which case the Board may grant extension or extensions of time not to
33 exceed, in total, one-hundred-twenty (120) days. Any request for an extension must be received by
34 the Town prior to the end of the 90-day period

35 At the time the Planning Board grants Final Plan approval, the board may approve a
36 phasing plan for the development may permit the Plan to be divided into two or more sections
37 subject to any conditions the Board deems necessary in order to ~~endure~~ insure the orderly
38 development of the Plan. The applicant may file a section of the approved Plan with the
39 Selectmen and the Register of Deeds if said section constitutes at least 10 percent of the total
40 number of lots contained in the approved Plan. In these circumstances, Plan approval of the
41 remaining sections of the Plan shall remain in effect for a period of time mutually agreed to by

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the Selectmen, the Planning BoardBoard and the SubdividerApplicant.

If the development project has not begun the construction of any infrastructure within 1 year from the date of approval, the approval shall be considered null and void and re approval of the application will be required from the Planning BoardBoard prior to the start of construction. If no infrastructure is proposed the applicant must in the least obtain all Highway Entrance permits for the lots and construct the required aprons to the lots or this will constitute voiding of the subdivision as well. (Note: I have legal reservations about this type of expiration provision. If a lot was sold that did not require infrastructure, then this places the legal status of that lot into question. The preferred way of handling this is to require the performance guarantee prior to the release of the plan for recording. There is a procedure in State law for vacating the streets in an unapproved subdivision where no lots have been sold and someone can utilize this process, which requires an amendment to the subdivision and the recording of something in the Registry.)

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7.3.3 Final approval of a subdivision will be withheld until all consultant fees have been paid in full as stated in Article VI, Section ~~26. E and Article VI~~, Section 6.1.-89.

Comment [LJF13]: This all needs to be reworked

7.4 PLAN REVISIONS AFTER APPROVAL

7.4.1 No changes, erasures, modifications, or revisions shall be made in any Final Plan after ~~Planning Board~~ approval has been endorsed upon the Plan. If an ~~subdivider~~ applicant wishes to alter the approved plan he shall submit a revised plan consisting of the entire subdivision, or, if the plan consists of more than one sheet, that entire sheet on which the alterations is proposed. If any lots have been sold or are under sales contract, ~~written evidence shall be submitted that interested parties have consented to the proposed changes.~~ In either case, the new submission shall show it is a "Revision of the Plan Approved on (date)" and shall provide space for the usual ~~Planning Board~~ approval. The procedure for Final Plan approval, excluding the fee, will then be followed. ~~If an subdivider records a revised Final Plan or any part thereof not so approved; the Board shall declare it null and void and shall institute proceedings to have it stricken from the records at the Registry. Further, if any construction viewed by the Board as deliberate and defeating in the objectives of the original approval is initiated, the Board will institute proceedings to halt all construction and require a complete resubmission including application fee. No revised plan shall be recorded until it has been approved by the Planning Board.~~

7.5 MUNICIPAL ACCEPTANCE OF STREETS AND OTHER LAND AREAS

7.5.1 The approval by the ~~Planning Board~~ of the subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, park, playground, recreation area or other open space area shown on such plan and the Final Plan shall bear a statement to this effect.

7.5.2 Referring to the above mentioned land areas, excluding streets, the ~~Planning Board~~ or the Selectmen may require the filing of a written agreement between the ~~subdivider~~ applicant and the Selectmen covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

ARTICLE VIII GENERAL REQUIREMENTS

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof of satisfactory performance shall be upon the ~~Subdivider~~ Applicant.

8.1 PROVISION FOR PROPOSED PUBLIC SITES AND OPEN SPACES

8.1.1 Depending upon the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent or not less than 10,000 sq. ft. of ~~the~~ total area for recreation. Such

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1 area shall be in one parcel and reasonably accessible from all lots within the subdivision.

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1 8.1.2 Land reserved for park and/or recreational purposes shall be of a character, configuration and
2 location suitable for the particular use intended. Any area to be used or active recreation purposes
3 such as a playground or athletic field should be acceptable level and dry, have not outcropping of
4 ledge or boulders, have a total frontage on one or more streets of at least 200 ft., and have no major
5 dimension of less than 200 ft. Areas reserved for passive recreational uses shall have such access as
6 the Board may deem suitable. The area, configuration and orientation of the site may be determined
7 by the Board based upon its natural and scenic aspects and topographical characteristics.

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8 ~~8.1.3 If the proposed subdivision abuts any kind of a water body with Shoreland zoning, for 200 feet~~
9 ~~or more the Board may require that at a minimum, one lot as defined in the shoreland zone which it~~
10 ~~sits in shall be set aside for public access/ reasonable area with shore frontage be reserved as Open~~
11 ~~Space.~~

12 ~~8.1.4 The Board may require that the developer provide space for future municipal use, in accordance~~
13 ~~with a Comprehensive Plan or Policy statement, on a reimbursable basis with five (5) year option~~
14 ~~after which the space may be sold for other development.~~

Comment [LJF14]:

Comment [LJF15]: Isn't this covered above?

15 8.2 NON BUILDABLE LAND

16 8.2.1 The Board shall not approve for building sites such portions of any proposed subdivision
17 that:

Comment [LJF16]: This needs to be reworked

18 1 Are commonly recognized as "wet-lands", which must be filled or drained, or land created by
19 diverting recognized brooks, streams or rivers unless the applicant can obtain all required State and
20 federal permits for such activities. a permit issued by the Maine DEP can be obtained to address such
21 issues.

22 2 Is obtained by filling or draining any portion of any body of water.

23
24 ~~8.2.2 Wherever located, in whole or in part, within one hundred (100) feet of the normal high water~~
25 ~~line of any brook, stream, river, pond or lake, no dwellings, no part of any sewage disposal system,~~
26 ~~and no roads except for crossings and property access shall be installed or constructed within one~~
27 ~~hundred (100) feet of said normal high water line.~~

28 8.3 2 LOTS

29 ~~8.3.1 Minimum lot sizes shall conform to whatever Municipal the applicable zoning requirements of~~
30 ~~the Zoning Ordinance located on the property at the time of the approvals, County, State or Federal~~
31 ~~ordinance or statute is applicable, the most restrictive taking precedence.~~

32 8.4 3 DRAINAGE EASEMENTS

33 8.4.1 Where a subdivision is traversed by a natural water course, drainage way, channel, or stream,
34 there shall be provided a stormwater drainage easement, ~~or drainage right of way conforming~~

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1 ~~substantially with the lines of such water course and such further width or construction, or water~~
2 ~~course and such further width or construction, or both, as will assure that no flooding occurs and all~~
3 ~~storm water can be disposed of properly. Such easement(s) or right of way shall will be reviewed~~
4 ~~individually for width needs and considered during the review process by the board and Director of~~
5 ~~Public Works to determine if the easement is of an adequate width. not less than thirty (30) feet in~~
6 ~~width. (Question: Shouldn't the Board be able to determine the appropriate width on a case by case~~
7 ~~basis? If an existing drainage course is 5 feet, does the Town really need a 30 foot easement? And if~~
8 ~~the drainage course is 35 feet, wouldn't the Town need a larger one?)~~

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1 8.54UTILITIES

2 8.54.1 The size, type and location of such public utilities as street lights, electric, telephone and gas
3 lines, fire hydrants etc. shall be approved by the Board and installed in accordance with applicable
4 codes and specifications.

5 8.65REQUIRED IMPROVEMENTS AND INSPECTION

6 8.65.1 The following, where applicable, shall be required improvements: monuments, street signs,
7 streets, sidewalks, water supply lines, sewage lines, storm drainage culverts, except where the
8 Board may waive or provisions of these regulations.

9 8.65.2 At least ten (10) days prior to the start of construction of required improvements the
10 ~~subdividerapplicant~~ shall notify the Code Enforcement Officer (CEO)~~Selectmen~~ in writing of the time
11 when he/she proposes to commence construction of such improvements so that the CEO ~~Selectmen~~
12 can cause inspection to be made to ensure that all municipal specifications and requirements will be
13 met during the construction of required improvements, and to ensure the satisfactory completion of
14 improvements required by the Planning Board~~Board~~ or other Municipal Officers. ~~(Question: should~~
15 ~~this notice be given to the CEO, Town Planner, or Town Administrator rather than the Selectmen?)~~

16 8.65.3 If the municipally authorized inspector shall find, upon inspection of the improvements
17 performed before expiration date of the performance bond, that any of the required improvements
18 have not been constructed in accordance with plans and specifications filed by the
19 ~~subdividerapplicant~~, or that conditions imposed by the Planning Board~~Board~~ have not been met the,
20 ~~he shall so report to the Selectmen, Building Inspector and Planning Board~~~~Board~~. ~~The Selectmen~~
21 ~~shall~~ Code Enforcement Officer shall then notify the ~~subdividerapplicant~~ and, if necessary, the
22 bonding company, and take all necessary steps to preserve the Town's rights under the bond. No plan
23 by the ~~subdividerapplicant~~ shall be approved by the Planning Board~~Board~~ as long as the
24 ~~subdividerapplicant~~ is in default on a previously approved Plan.

25 8.65.4 If at any time before or during the construction of the required improvements it is
26 demonstrated to the satisfaction of the Authorized Inspector appointed by the CEO with board
27 consent. ~~(note: this is not a defined term; it should be clear who this is)~~ ~~If that~~ unforeseen conditions
28 make it necessary or preferable to modify the location or design of such required improvements,
29 he/she may, upon approval of the Planning Board~~Board~~, authorize modifications provided they are
30 within the spirit and intent of the bBoard's approval. The CEO, and do not extend to the waiver or
31 substantial alteration of the function of any authorization under this section in writing and shall
32 transmit a copy of such authorization to the Planning Board~~Board~~ at its next regular meeting.

33 8.65.5 The applicant ~~subdividerapplicant~~ shall be required to maintain all streets, culverts and
34 drainage ditches and provide for snow removal and sanding on streets until acceptance of said
35 improvements by the ~~legislative body~~ Board of Selectmen.

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1 8.7.6 FIRE PROTECTION

2 The Board shall require ~~one of the following forms of~~ fire protection for all developments and the
3 applicant shall provide written verification from the fire chief that their proposal meets his approval.

4 ~~For every five houses or units the developer shall provide one of the following means of fire~~
5 ~~protection. The following forms of fire protection shall be allowed based on the circumstances~~
6 ~~surrounding the location of the development:~~

- 7 • Sprinkler system installed in each residential unit;
- 8 ~~Provide a 10,000 gallon cistern~~
- 9 • Hook up to town water system and provide a hydrant every 800-1,000 feet;
- 10 ~~Construct a fire pond that will sustain a minimum of 20,000 gallons of water and a hydrant that meets~~
11 ~~the standards of the Waterboro Fire Department.~~

13 8.8.7 GREEN BELTS

14 ~~8.8.07.1~~ For the purpose of these Regulations, a "greenbelt" is defined as a strip of land vegetated
15 with grass or other plant life maintained as open green space and located along the existing ~~Public~~
16 ~~way road abutting in which the proposed development is constructed off from.~~ Removal of dead
17 trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine
18 maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted
19 within a greenbelt is that necessarily related to the ~~exercise or~~ use of a utility easement and/or that
20 necessarily related to a driveway. ~~If another means of access to the property other than through the~~
21 ~~greenbelt is available, construction related to utility easements shall be the only permissible~~
22 ~~construction within the greenbelt boundaries. (Amended 7/18/1989).~~

23 ~~8.8.17.2~~ If the proposed subdivision abuts Routes 5 or 202 or 4, and any all-state-aid roads or any
24 local public town roadway, a strip of land ~~(greenbelt)~~ not less than twenty-five (25) feet and not
25 more than one hundred (100) feet in width adjacent to said highway and running along said highway
26 road may be required to be set aside as a green-belt, and the developer shall submit provisions for
27 maintaining this area consistant with section 8.8.0 above. (A conservation easement may be
28 conveyed to the Town of Waterboro over said strip.) Said green belt shall be shown on the
29 Preliminary and Final Plans. The applicant may request a waiver of this requirement to the ~~Planning~~
30 Board Board as part of the review process if the argument can be made the applicant can demonstrate
31 that this provision is not necessary for future street widenings in the future. (Question: Does this
32 mean that you only want a greenbelt if a road might be widened and not otherwise?)

33 ~~8.8.27.3~~ If the proposed subdivision abuts a Town road, a strip of land not less than twenty five (25)
34 feet or greater than fifty (50) feet in width and adjacent to said road and running along said road may
35 be required to be set aside as a green belt, and the developer shall submit provisions for maintaining
36 this area. (A conservation easement may be conveyed to the Town of Waterboro over said strip.) Said
37 green belt shall be shown on Preliminary and Final Plans.

38 ~~8.9.8 ACCESS STREETS~~

39 ~~8.98.1~~ Where a proposed subdivision abuts or contains an existing or proposed arterial street, the

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Comment [LJF17]: Do these three sections say the same thing???

Comment [LJF18]: Do we need this??

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~~Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is frontage on a street other than the existing or proposed arterial street) with 8.87.2 along the rear property line or such other treatments as may be necessary for adequate protection of the residential properties and to afford separation of through and local traffic.~~

ARTICLE IX DESIGN STANDARDS

9.1 MONUMENTS

9.1.1 Permanent monuments shall be set at all comers and angle points of the subdivision boundaries and at corners of each lot; also at all street intersections and points of curvature. These monuments must be set prior to the acceptance of any street by the Select-board.

9.1.2 Monuments shall be stone, metal or concrete located in the ground at final grade level, and indicated on the Final Plan. After they are set, if stone or concrete drilled holes, 1/2 inch deep shall locate the point or points described above.

9.2 STREET SIGNS

9.2.1 Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

9.2.2 Street name signs shall be furnished and installed by the ~~subdivider~~ applicant. The type, size and location shall be designed to meet the Manual of Uniform Traffic Control Devices (MUTCD). ~~to the approval of the Board.~~

9.3 STREETS

9.3.1 Layout and Construction

9.3.1.1 Proposed streets shall conform to the standards found in the Street Design and Construction Ordinance unless a waiver of the street standard design has been granted by the Planning Board ~~Board, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a Preliminary Plan. (Question: Do you want a standard as to when a waiver can be granted?)~~

9.3.1.2 In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a fifty (50) foot wide easement in the line of the street or in any practical direction to provide for continuation of utilities or access of pedestrian traffic to the next street.

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1 9.3. 1.3 Construction of streets, sidewalks, bridges, culverts and surface drainage systems shall
2 conform to applicable standards and specifications of this Section as noted in 9.3.1.1 above.

3 9.3. 1.4 Grades of all streets shall conform, in general to the terrain, and shall not be less than one
4 half (1/2) of one (1) percent nor more than ten (10) percent in residential areas, but, in no case, more
5 than three (3) percent within fifty (50) feet of any intersection.

6 9.3.1.5 Intersections of streets shall be at angles as close to ninety (90) degrees as possible and
7 in no case shall two streets intersect at an angle smaller than sixty (60) degrees. To this end
8 where one street approaches another between 60-90degrees, the former street should be curved
9 approaching the intersection.

10 9.3.1.6 A dead-end street, or cul-de-sac, shall not exceed ~~fifteen hundred feet (10500)six hundred~~
11 ~~(600)~~feet in length and shall have a turnaround at the closed end in which the radius of the traveled
12 way shall not be less than ~~60 feetoot radius,seventy five (75) feet.~~

13 9.3.1.7 All streets shall be provided with adequate drainage facilities, having year-round
14 effectiveness, that will provide for the removal of storm water thereby preventing flooding of the
15 pavement and surrounding property, and these facilities shall be so constructed as to prevent erosion
16 of the drainage-ways.

17 9.3.1.8 The reserved right-of-way for all residential streets shall be not less than fifty (50) feet in
18 width and the paved surface shall be not less than twenty-four (24) feet; the centerlines of the right-
19 of-way and the paved surface shall coincide.

20 9.3 .1.9 Side slopes of filled road beds shall not be steeper than one (1) vertical foot in every three
21 (3) horizontal feet (1 to 3 or 33 and 113 percent). They shall be smoothly graded, loamed and
22 seeded by the ~~subdivider~~applicant with "Soil Conservation Mix" and a viable and effective growth
23 produced which will prevent erosion.

24 9.3.1.10 All required monumentation must be set and a written statement to this fact must be
25 submitted by a Land Surveyor to the Code Enforcement Officer prior to the issuance of any
26 building permits on an approved subdivision.

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27 28 9.4 CUTTING AND PLANTING

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29 9.4.1 Cutting and Removal of Natural Vegetation

30 9.4.1.1 Trees, natural undergrowth, topsoil and gravel or other soil deposits in their natural state at the
31 time of the preapplication inspection by the Board shall be considered a part of the subdivision and,
32 except for the removal or rearrangement required for building construction, landscaping, parking lots,
33 recreations areas and streets or for the removal of diseased and hazardous trees, shall not be removed
34 except in accordance with specific agreement with the ~~Planning Board~~Board.

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1
2 9.4.1.2 Cutting Restrictions:

3 On slopes of up to ten (10) percent, no restriction; on slopes greater than 10 percent and not
4 exceeding twenty-five (25) percent, ~~and over~~, measures at a height of twenty-four (24) inches
5 above ground level at the base, is prohibited; and on slopes exceeding 25 percent, no cutting will
6 be permitted. The ~~Planning Board~~Board or its representative may grant such relief from this
7 restriction as it deems reasonable or necessary. This restriction shall be placed in the deeds as a
8 covenant~~covenant and shall be perpetual, (applicable to subdivisions with slopes of over 10%).~~
9 (Question: what does this mean exactly? It is not clear.)

10
11 9.4.1.3 It shall be the responsibility of the applicant, in all landscaped areas created by filling or
12 redistribution of available soil, to ensure that the earth is properly compacted, fertilized, seeded and a
13 viable and effective growth produced thereon which that will prevent erosion or slippage, or both, for a
14 period of two (2) years after construction.

15 ~~Planning Board~~The Board may grant a waiver of these standards if justification can be made that strict
16 adherence to the standards is not warranted, or its representative may grant such relief from this restriction
17 as it deems reasonable or necessary. This restriction shall be covenanted in each deed and shall be
18 perpetual, (applicable to subdivisions with slopes of over 10%).

19 ~~9.4.1.3 It shall be the responsibility of the subdivider, in all landscaped areas created by filling or~~
20 ~~redistribution of available soil, to ensure that the earth is properly compacted, fertilized, seeded and a~~
21 ~~viable and effective growth produced thereon which will prevent erosion or slippage, or both, for a period~~
22 ~~of two (2) years after the sale of the property. No side slopes of any areas so obtained shall exceed forty~~
23 ~~(40) percent (1 foot vertically to 2.5 feet horizontally).~~

24 9.5 STORM WATER MANAGEMENT DESIGN STANDARDS

25 9.5.1 Adequate provision shall be made for disposal of all storm water generated within the subdivision,
26 and any drained ground water through a management system of swales, culverts, underdrains, and storm
27 drains. The
28 storm water management system shall be designed to ~~convey~~ conduct storm water flows to existing
29 watercourses or storm drains.

30 A. Where a subdivision is traversed by a stream, river, or surface water drainage way, or
31 where the Board feels that surface water run-off to be created by the subdivision should
32 be controlled, there shall be ~~provided~~ easements or drainage ~~rights of way with~~ swales,
33 culverts, catch basins or other means of channeling surface water within the subdivision
34 and over other properties. This stormwater management system shall be designed by a
35 Registered Professional Engineer.

36 B. Drainage easements for existing water-courses or proposed drainage ways shall be
37 provided at least thirty feet wide, conforming substantially with the lines of existing
38 natural drainage.

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1 C. All components of the storm water management system shall be designed to limit peak
2 discharge to predevelopment levels for every storm between the 2-year, ~~and the 1025-~~
3 year and 25 year storm; 24hour duration, Type III storm frequencies, based on rainfall
4 data for Portland, Maine. When the subdivision discharges directly to a major water body
5 as defined in the ~~Town of Waterboro~~ Zoning Ordinance, peak discharge may be increased
6 from predevelopment levels provided downstream drainage structures are suitably sized
7 based on the most recent data from an acceptable design methodology; second modeling
8 by TR-55 or TR-20 shows hydrologic impacts to be minimal, and water quality impacts
9 are minimal. Existing water quality of a waterbody should be investigated to analyze the
10 nitrate and phosphorus content. The plan should then analyze the project to see if nutrient
11 loading will occur. If after review and based on flow rates or potentially poor water
12 quality, detention ponds may be required.

13 ~~D. The minimum pipe size for any storm drainage pipe shall be four inches. Pipe~~
14 ~~shall be bedded on 3/4 inch stone, containing stones no larger than two inches. If~~
15 ~~the fill material is approved by the town, pipe may be bedded in that material and~~
16 ~~can be covered with a geotextile liner. No clay, loam, silt, mulch, stumps, brush~~
17 ~~or other such materials should be used for backfill. Clay or loam cap maybe used~~
18 ~~by the designing engineer if surface percolation is not desired. Perforated pipes~~
19 ~~shall be bedded six inches below the invert of the outer diameter of the pipe to a~~
20 ~~minimum of six inches over the high point of the pipe. Solid pipe shall be bedded~~
21 ~~six inches under the pipe to the spring line of the pipe. No geotextile is required~~
22 ~~for solid pipe.~~

23 ~~DE. The Planning Board may require nutrient removal structures where~~
24 ~~maintaining water quality in downstream waters is deemed important.~~

25 ~~EF. The Planning Board, under advisement of a registered professional~~
26 ~~engineer or other qualified professional, (York County Soil and Water Conservation~~
27 ~~District) shall have the authority to waive detention requirements where benefits to~~
28 ~~the public are minimal. This shall be determined on a case-by case basis only.~~
29 ~~(Question: Should there be more in the way of standards for this? At a minimum,~~
30 ~~should waivers not be granted if they are inconsistent with the purposes of review~~
31 ~~under this Ordinance?)~~

32 9.5.2 The Planning Board may require nutrient removal structures where maintaining water
33 quality in downstream waters is deemed important. The storm water management system shall be
34 designed to accommodate upstream drainage. Nutrient removal analysis shall be considered
35 (question: should this say "may be required"?) when when doing a subdivision in the direct
36 watersheds of a the following water body Most at Risks in Waterboro as defined by the Maine
37 Department of Environmental Protection Nonpoint Source Priority Watersheds List:

38 Ford Mill Pond
39 Killick Pond

Comment [LJF19]: How about limiting this to the Lake Arrowhead and Little Ossipe Lake Direct watersheds???

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Shaker Pond
Moody Pond,
Bartlett Pond
Little Ossipee Lake

~~taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.~~

9.5.3 Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm ~~water drainage~~ shall not overload existing or future planned storm drainage ~~designs.~~ Planning Board ~~The Board~~ under advisement of R.P.Ea Registered Professional Engineer, or other qualified professional ~~District SES~~ shall recommend to the board if the waiver of the design standards is justified where an acceptable alternative is demonstrated.

~~ave the authority to waive detention requirements where benefits. (Note: this is missing language. Shouldn't this only be done where an acceptable alternative is demonstrated?)~~

9.5.4 Catch basins shall be installed where necessary or ~~required, and~~ required and should be located at the curb line or the invert of a ditch as required.

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

~~9.5.6 Maintenance responsibility for detention and nutrient removal structures must be established and noted on the plan to indicate who's responsibility it shall be to maintain these structures. The plan shall indicate who will be responsible for maintenance of detention or other drainage structures and elements and nutrient removal structures.~~

~~m-~~

~~9.5.6 The subsurface drainage system maybe incorporated with the storm water drainage system if the system is designed to incorporate both systems-~~

~~9.5.7 Maintenance responsibility for detention and nutrient removal structures must be established and noted on the plan to indicate who's responsibility it shall be to maintain these structures -~~

9.6 STORM DRAINAGE CONSTRUCTION STANDARDS

~~9.6.1 Materials-~~

~~A. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C 76 (AASHTO M 189). 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 Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443 70, or of an approved preformed-~~

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Comment [LJF20]: Don't know if any of these standards are still appropriate???

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1 ~~plastic jointing material such as "Ranke". Perforated Concrete Pipe shall conform to the~~
2 ~~requirements of AASHTOM 175 for the appropriate diameters.~~

3
4 ~~B. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation~~
5 ~~C 428 (AASHTOM 189). Pipe classes shall be required to meet the soil and traffic loads with a~~
6 ~~safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting~~
7 ~~ASTM Designation D 1869 63, or of an approved preformed plastic sleeve type.~~

8 ~~C. Corrugated Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the~~
9 ~~requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO~~
10 ~~Designation M 196 for aluminum alloy pipe for sectional dimensions and the type of bituminous~~
11 ~~coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not~~
12 ~~more than 5%.~~

13 ~~D. ABS Pipe. ABS (Acrylonitrile butadiene styrene) composite pipe and fittings shall conform to~~
14 ~~the requirements of AASHTO M264 and AASHTO M 265. Perforated pipe shall conform to the~~
15 ~~requirements of AASHTO M 36, Type III.~~

16 ~~E. Corrugated Plastic Pipe. Corrugated Plastic Pipe shall conform to the requirements of AASHTO~~
17 ~~M 252.~~

18 ~~F. Manholes. Manholes shall be of precast concrete truncated cone section construction meeting the~~
19 ~~requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting~~
20 ~~the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized~~
21 ~~for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast~~
22 ~~in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted~~
23 ~~foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops~~
24 ~~shall conform to requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105,~~
25 ~~Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural~~
26 ~~steel.~~

27
28 ~~9.6.2 Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific~~
29 ~~approval of a curvilinear drain is obtained in writing from the Board, after consultation with the~~
30 ~~Municipal EngineerTown's Public Works Director.~~

31 ~~9.6.3 Manholes shall be provided at all changes in vertical or horizontal alignment and at all~~
32 ~~junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.~~

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~~9.6.4 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.~~

9.7 CERTIFICATION OF CONSTRUCTION

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9.7.1 Certification of Construction. "As built" plans shall be submitted to the Planning Department for the Road Review Committee. Upon completion of street construction and prior to ~~a vote by the Municipal Officers to submit a proposed public way to the legislative body~~consideration by the Selectboard~~Select Board of acceptance of a street~~, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the ~~Municipal Officers~~Select Board~~Select Board, prepared~~ at the expense of the applicant, certifying that the proposed way meets the design and construction requirements of these regulations and the Street Design and Construction Standards Ordinance for the Town of Waterboro.

ARTICLE X ~~PERFORMANCE GUARANTEE~~RELEASE OF GUARANTY CHECK OR BOND

Comment [LJF21]: Need to site right section below. Need to add how bonding is established!!!

~~13.1 — Before a subdivider may be released from any obligation required by his guarantee of performance the Board of Selectmen shall require certification from all other concerned Town Boards, Committees and Inspectors to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances and all consultant fees payable pursuant to Article VI Section 6.1.9 and Article VI Section 6.2.1 paragraph 26 (E) have been fully paid.~~

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10.1 Types of Guarantees.

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With submittal of the application for final plan approval. Prior to the release of the

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1 approved subdivision plan, (Note: the applicant can't get a letter of credit until
 2 construction financing, which doesn't occur until after subdivision approval; if this isn't
 3 the revision that you want, something else needs to be developed) the applicant shall
 4 provide one of the following performance guarantees for an amount adequate to
 5 cover the total construction costs of all required improvements, taking into account
 6 the time-span of the construction schedule and the inflation rate for construction
 7 costs. In addition,†The applicant shall deposit with the Town Escrow Agent or
 8 Planning Office an amount equal to 125% of the estimated costs of construction of
 9 streets, sidewalks, drainage, detention ponds, recreation areas, playgrounds, sewer
 10 lines, water lines, or other utility or use requiring underground construction. This
 11 fee is to be paid by the developer to the Town of Waterboro upon final approval of
 12 the subdivision. (Question: this sounds like the performance guarantee; is this
 13 duplicate language?) Any remaining funds ~~plus interest~~ will be refunded to the
 14 applicant at the completion of the project:

15 A. Either a certified check payable to the municipality or a savings account or
 16 certificate of deposit naming the ~~municipality~~ Town as owner, for the
 17 establishment of an escrow account; (Question: is this consistent with the
 18 language in Section 10.3?)

19 B. A performance bond payable to the municipality issued by a licensed
 20 surety company, approved by the municipal officers, or town-
 21 manageradministrator;

22 C. An irrevocable letter of credit from a licensed financial institution establishing
 23 funding for the construction of the subdivision, from which the Municipality
 24 may draw if construction is inadequate, approved by the municipal officers, or
 25 town manager; or

26 The conditions and amount of the performance guarantee shall be determined by the
 27 Board with the advice of the municipal engineer, road commissioner, municipal
 28 officers, and/or municipal attorney.

29 10.2 Contents of Guarantee.

30 The performance guarantee shall contain a construction schedule, cost estimates for
 31 each major phase of construction taking into account inflation, provisions for
 32 inspections of each phase of construction, provisions for the release of part or all of
 33 the performance guarantee to the developer, and a date after which the applicant will
 34 be in default and the municipality shall have access to the funds to finish construction.

35 10.3 Escrow Account.

36 A cash contribution to the establishment of an escrow account shall be made by
 37 either a certified check made out to the municipality, the direct deposit into a savings
 38 account, or the purchase of a certificate of deposit. For any account opened by the
 39 applicant, the municipality shall be named as owner or co-owner, and the consent of
 40 the municipality shall be required for a withdrawal by a co-owner, but the

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municipality shall be able to withdraw funds without the consent of the co-owner. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

10.4 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 applicant, and the procedures for collection the payment of claims by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought. The bond shall run to the Town; a contractor's bond will not be accepted as a performance bond under this Ordinance.

10.5 Letter of Credit.

An irrevocable letter of credit from a licensed bank or other licensed 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.

10.6 Phasing of Development.

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

10.7 Release of Guarantee.

Prior to the release of any part of the performance guarantee, the Town Administrator as Escrow Agent shall determine to its satisfaction, in part based upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

10.8 Default.

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

10.9 Improvements Guaranteed.

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

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ARTICLE XI ~~VARIANCES AND~~ WAIVERS

11.1 Where the ~~Planning Board~~Board finds that extraordinary hardship will result from strict compliance with these Regulations due to unusual conditions existing in any particular proposed subdivision, it may give justifiable relief by granting ~~waiver~~variances to ~~r~~Regulations provided, however, such actions will not have the effect of defeating the intent of these ~~r~~Regulations or any Official Map, Comprehensive Plan or Zoning Ordinance which may exist.

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11.2 Where the Board determines that, due to certain conditions existent in a proposed subdivision, the provision of certain required improvements is not requisite in the public interest, or is inappropriate because of inadequacy or lack of prerequisite facilities in the proximity of the proposed subdivision, it may waive such requirements, subject to appropriate conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

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ARTICLE XII APPEALS

12.1 An appeal from a decision of the ~~Planning Board~~Board may be taken to ~~the Zoning a General~~ Board of ~~A~~appeals, ~~if such has been established by the Municipality in accordance with Title 30, M.S.R.A., Chapter 213, Section 2411, or taken to the Superior Court. (Question: Why wouldn't appeals of subdivision decisions go to Superior Court? If appeals are going to the ZBA, this should be clear that they will be heard on an appellate basis. The Zoning Ordinance is not very clear on this issue.)~~

ARTICLE XIII FEES

~~All persons developing or utilizing land, water, or structures in a manner which requires ~~Planning Board~~Board review under these regulations shall pay fees for the review process to the Town of Waterboro according to the appropriate fee schedule. These fees shall be used to defray the costs of the ~~Planning Board~~Board review process.~~

~~The fee schedule which is defined under individual articles within these Land Subdivision~~

Draft date ~~6/2010/19~~

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~~Regulations is as follows:~~

~~\$250 per lot within the subdivision with a minimum application fee of \$1,000.~~

~~At final plan an additional charge of \$.75 per lineal foot of road and \$.50 per lineal foot of pipe.~~

~~All fees received for subdivision review under these regulations shall be used by the Planning Board and Planning Department towards operational funds.~~

ARTICLE ~~XIV~~ XIII SEPARABILITY AND EFFECTIVE DATE

~~14.13.1~~ The invalidity of any provision of the ~~ise~~ Regulations Ordinance shall not invalidate any other part.

~~14.13.2~~ The ~~ise~~ Regulations Ordinance shall take effect immediately upon adoption by the ~~Select Board~~ Planning Board.

Comment [LJF22]: Updating needed

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