



Town of Veazie

Chapter 32 - Subdivisions

Adopted:
July 24, 2017



TRUE ATTESTED
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32.01 GENERAL PROVISIONS

32.01.01 Title

This Ordinance shall be known and be cited as the "Subdivision Ordinance of the Town of Veazie, Maine," and will be referred to herein as the "Ordinance."

32.01.02 Authority

This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine and in accordance with the provisions of Title 30-A, MRSA, Section 4403, as amended.

32.01.03 Applicability

The provisions of this Ordinance shall apply to subdivisions as defined by this Ordinance and by Title 30- A, MRSA, Section 4401, as amended. The current statute is reproduced in part below.

"...Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, and buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. ..."

"...A 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 or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage, or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection. ..."

32.01.04 Conflict with Other Ordinances

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the more restrictive requirements shall govern.

32.01.05 Supersedure

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict. The Subdivision Ordinance in effect at the time that this Subdivision Ordinance is enacted is hereby repealed. Provided, however, that all lawfully adopted Ordinances or parts thereof shall remain in full force and effect with respect to any violation thereof in existence at the time of adoption of this Ordinance, and provided further that any such violation shall be deemed a violation of this Ordinance and subject to its terms and provisions.

32.01.06 Separability

In event that any section, subsection or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

32.01.07 Amendments

The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

32.01.07.01 Initiation

A proposal to amend this Ordinance may be initiated by:

32.01.07.01.01

The Planning Board, by majority vote;

32.01.07.01.02

The Planning Board, by majority vote;

32.01.07.01.03

The Town Council, through a request to the Planning Board; or

32.01.07.01.04

The Public, through a written petition signed by at least twenty-five (25) residents registered to vote in the Town of Veazie.

32.01.07.01.05

When an amendment is proposed by other than the municipal officers or Planning Board, a fee of one hundred dollars (\$100) shall accompany the proposal to cover the cost of review, hearings, and advertisements. This fee is non-refundable.

32.01.07.02 Process of Amendment

The process to be followed in adopting an amendment to this Ordinance is as follows:

32.01.07.02.01

Proposed amendments must first be submitted to the Planning Board for their consideration.

32.01.07.02.02

The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment.

32.01.07.02.03

Notice of the public hearing shall be given pursuant to the provisions of Section 3.8. of this Ordinance.

32.01.07.02.04

The Planning Board shall make its official report and recommendation at the next Town Council meeting following the public hearing.

32.01.07.02.05

The Town Council shall vote on adoption of the amendment.

32.01.08 Effective Date

The provisions of this Ordinance shall become effective the day of their enactment.

32.02 PURPOSES

The purposes of this Ordinance are as follows:

32.02.01 Protect General Welfare

To assure the comfort, convenience, safety, health, and welfare of the citizens of the Town of Veazie ("the Town");

32.02.02 Protect Environment

To protect the natural resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

32.02.03 Promote Community Development

To promote the development of an economically sound and stable community;

32.02.04 Balance Property Rights

To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance;

32.02.05 Reduce Fiscal Impact

To provide the means for evaluating subdivision proposals for their fiscal impact on the Town's ability to provide and improve necessary public facilities and services;

32.02.06 Establish Procedures and Standards

To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; and to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them.

32.03 ADMINISTRATION

32.03.01 Administering Body

The Planning Board of the Town of Veazie, hereinafter called the Board, with the assistance of the Code Enforcement Officer and the Town Manager, as specified in this Ordinance, shall administer this Ordinance.

32.03.02 Approval Required

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

32.03.03 Application Required

Applications for approval shall be submitted in writing to the Board, on forms provided by it. The Board may require the submission of whatever additional information is necessary to determine compliance with the provisions of this Ordinance.

32.03.04 Permits to be Applied for Before Approval

Applications for approval under this Ordinance will not be considered complete for processing until evidence that all other required local, state, and federal permits have been acquired, has been provided to the Board.

32.03.05 Commencement and Completion of Work

All required improvements on subdivisions for which approval has been granted under this Ordinance shall commence within six (6) months of the date of approval and shall be completed within eighteen (18) months of approval. Construction activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the prior approval issued under this Ordinance shall be considered void unless an extension has been granted by the Board. Construction activities may be extended for up to twelve (12) months at a time by the Planning Board upon a showing of good cause where a written request setting forth the reasons for the extension is submitted not later than (30) days prior to the pending commencement or completion date.

32.03.06 Certificate of Construction required

No land in a subdivision requiring approval under this Ordinance shall be conveyed, rented, leased, or occupied without a certificate of construction issued by the Code Enforcement Officer indicating that all of the required public improvements have been constructed as required.

32.03.07 Conditions of Approval

The Board may in approving applications attach such reasonable and appropriate terms and conditions, in addition to those required elsewhere in this Ordinance. Such terms and conditions may include, but are not limited to, specifications for:

32.03.07.01

Specific sewage or other waste disposal facilities;

32.03.07.02

Specific water supply facilities;

32.03.07.03

Landscaping and planting screens;

32.03.07.04

Sureties and bonds;

32.03.07.05

Restrictive covenants;

32.03.07.06

Location of piers, docks, parking areas and signs; and

32.03.07.07

Any other term or condition of approval necessary to fulfill the purposes of this Ordinance.

Violation of any of these terms or conditions shall be considered a violation of this Ordinance.

32.03.08 Public Hearings

In scheduling public hearings under this Ordinance, the Board shall notify the Applicant at least twenty (20) days in advance of the date, time, and place of the hearing. The Board shall publish notice of the hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places. The first notice shall appear at least seven (7) days in advance of the hearing.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant’s case shall be presented first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairperson of the Board.

Whenever a public hearing is held pursuant to this Ordinance, the matters in that hearing may be carried over until the next regularly or specially scheduled meeting of the Planning Board for further public hearing without affecting any decisional deadline applicable to the Planning Board.

Ten (10) days after the public hearing, the administrative record shall close. Within thirty (30) days of the public hearing, the Board shall reach a decision on the proposed subdivision plan and shall inform the applicant and the Town Council in writing within ten (10) days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon all reasonable and admissible evidence that is submitted prior to the closing of the record.

32.04 CRITERIA OF APPROVAL

In approving applications submitted pursuant to this Ordinance, the Board shall find that the following requirements are met as designated under the Planning and Land Use Laws, Statutes of the State of Maine in accordance with the provisions of Title 30-A, MRSA, Section 4404, as amended.

32.04.01 Pollution

The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider:

32.04.01.01

The elevation of the land above sea level and its relation to the flood plains;

32.04.01.02

The nature of soils and subsoils and their ability to adequately support waste disposal;

32.04.01.03

The slope of the land and its effect on effluents;

32.04.01.04

The availability of streams for disposal of effluents; and

32.04.01.05

The applicable state and local health and water resource rules and regulations.

32.04.02 Sufficient Water Supply

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

32.04.03 Municipal Water Supply

The proposed subdivision will not cause an unreasonable burden on an existing water supply if one is to be used.

32.04.04 Erosion

The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

32.04.05 Traffic

The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, M.R.S.A. section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 M.R.S.A., section 704 and rules adopted under that section;

32.04.06 Sewage Disposal

The proposed subdivision will provide for adequate sewage disposal and will not cause an unreasonable burden on municipal services if they are utilized;

32.04.07 Municipal Solid Waste Disposal

The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

32.04.08 Aesthetic, Cultural and Natural Values

The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

32.04.09 Conformity with Local Ordinances and Plans

The proposed subdivision conforms with this Subdivision Ordinance and any duly adopted comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

32.04.10 Financial and Technical Capacity

The subdivider has adequate financial and technical capacity to meet the standards of this section;

32.04.11 Surface Waters; Outstanding River Segments

Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

32.04.11.01

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

32.04.11.01.01

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.

32.04.11.01.02

The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983.

32.04.12 Ground Waters

The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

32.04.13 Flood Areas

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

32.04.14 Freshwater Wetlands

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

32.04.15 Farmland

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

32.04.16 River, Stream, or Brook

Any river, stream, or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.

32.04.17 Stormwater

The proposed subdivision will provide for adequate storm water management.

32.04.18 Spaghetti-Lots Prohibited

If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot of depth to shore frontage ratio greater than 5 to 1.

32.04.19 Lake Phosphorus Concentration

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

32.04.20 Impact on Adjoining Municipality

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

32.04.21 Lands Subject to Liquidation Harvesting

Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A., section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32 M.R.S.A. chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S. A. section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

32.04.22 State Subdivision Law Criteria

In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to title 30-A, MRSA, Section 4404, from time to time.

32.04.23 Written Findings of Fact Required

In approving subdivisions under this Ordinance, the Board shall consider the criteria above; and before granting approval, shall make written findings of fact that the provisions of this Ordinance have been met.

32.04.24 Burden of Proof

In all instances the burden of proof of compliance with the above criteria shall be upon the person proposing the subdivision.

32.05 ADMINISTRATIVE PROCEDURES

32.05.01 Agenda Required

In order to provide an orderly process for reviewing applications, an agenda shall be prepared in advance of each regularly scheduled Planning Board meeting.

32.05.02 Agenda may be Limited

The Planning Board, in order to conduct a thorough review of applications submitted to it, may limit such review to one subdivision application per regularly scheduled meeting.

32.05.03 Approval Required

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

32.06 PRE-APPLICATION CONFERENCE/SKETCH PLAN REVIEW

32.06.01 General

All applicants shall meet with the Planning Board prior to the formal submission of a subdivision plan to generally discuss their proposed subdivision and to obtain guidance from the Planning Board in the development of the plan. This is the pre-application conference and sketch plan review phase of the process.

32.06.02 Procedure

The procedure for a Pre-Application Conference and Sketch Plan Review is as follows:

32.06.02.01 Advance Request to be Placed on Agenda Required

The applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda for a pre-application conference, at least thirty (30) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

32.06.02.02 Review of Submission Packet for Completeness

The Chair of the Planning Board or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet as specified in subsection 32.06.03 of this section.

32.06.02.03 Planning Board Review Sketch Plan and Exhibits

At the pre-application meeting, the Planning Board shall review the Sketch Plan and accompanying exhibits with the applicant, answer the applicant's questions, and make specific suggestions to be incorporated by the applicant in subsequent submissions.

32.06.02.04 Classification of Subdivision

At the pre-application meeting, the Planning Board shall classify the proposed subdivision as either a minor or major subdivision and so notify the applicant in writing. (See Section 32.26: Definitions)

32.06.02.05 On-Site Inspection Date Set

At the pre-application meeting, the Planning Board shall schedule an on-site inspection of the tract or parcel to be subdivided and shall notify the applicant of the time and date in writing.

32.06.03 Submission Packet

The submission packet required for Sketch Plan Review shall include the following:

32.06.03.01 Sketch Plan

32.06.03.01.01 Sketch Plan

Showing the information specified in subsection 32.06.03.05 below shall be submitted to the Planning Board.

32.06.03.01.02 Number of Copies

Eight (8) paper copies of the Sketch Plan shall be submitted.

32.06.03.01.03 Sheet Size

The Sketch Plan shall be at least 8 ½ x 11 inches, but no larger than 24 x 36 inches in size.

32.06.03.01.04 Plan Scale

The Sketch Plan shall be drawn to scale.

32.06.03.01.05 Information to be Shown on the Plan

The following information shall be shown on all Sketch Plans:

32.06.03.01.05.01

The outline of the tract or parcel to be subdivided, with known or, if not known, estimated perimeter dimensions and area;

32.06.03.01.05.02

True North arrow;

32.06.03.01.05.03

The scale to which the plan is drawn;

32.06.03.01.05.04

The proposed layout of lots, roads, driveways, and building locations;

32.06.03.01.05.05

Identification of general areas of slopes fifteen percent (15%) or greater, areas of exposed ledge, wetlands, streams, and floodplains;

32.06.03.01.05.06

Location of public utilities proposed to be utilized;

32.06.03.01.05.07

Location, dimensions, and terms of any existing easements, rights-of-way, and/or deed restrictions encumbering the property;

32.06.03.01.05.08

The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided; and

32.06.03.01.05.09

The present zoning classification of the parcel.

32.06.03.02 Exhibits to Accompany Sketch Plan

32.06.03.02.01

Evidence that the applicant has a right, title, or interest in the property.

32.06.03.02.02

An aerial photograph enlarged to a scale not less detailed than 1 inch: 400 feet, to show the relationship of the proposed area to be subdivided to adjacent properties and to the total areas owned in whole or in part by the applicant. The aerial photograph shall include:

32.06.03.02.02.01

Property boundaries in the area;

32.06.03.02.02.02

Locations and names of existing streets and roads;

32.06.03.02.02.03

Boundaries and designations of zoning districts;

32.06.03.02.02.04

Wetlands, regardless of size, with designation prepared by a State-Certified Soil Scientist or Geologist registered in the State of Maine, based on an on-site investigation;

32.06.03.02.02.05

Streams or ponds located in whole or in part on the parcel proposed to be subdivided;

32.06.03.02.02.06

The boundaries of the 100-year floodplain;

32.06.03.02.02.07

Public land; and

32.06.03.02.02.08

Land protected under conservation easements.

32.06.03.02.03

One or more maps of the site at the same scale as the aerial photograph showing topographic, physical and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of 15 inches or more, steep slopes over 20% grade, rock outcrops, soil types, ponds, ditches, drains, streams, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads.

32.06.03.02.04

Names and addresses of abutters.

32.06.03.03 Administrative Fee

An administrative fee for pre-application conference/sketch plan review shall be submitted as specified in Section 32.13 of this ordinance.

32.06.04 On Site Inspection

The Planning Board may conduct an on-site inspection of the site. The on-site inspection shall be jointly attended by the applicant or his/her duly authorized agent and by at least one member of the Planning Board or an individual appointed by the Chairperson of the Planning Board to act as the Board's authorized representative for such inspection. Comments made by the Planning Board, the CEO, or other local officials at the inspection shall be interpreted as suggestions only. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions made, at the on-site inspection. After the on-site inspection, the Planning Board shall determine the contour levels for subsequent submissions and shall notify the application in writing of the required contour interval.

If a review is pending during a period when there is snow cover, or when conditions otherwise make site inspection impossible (e.g. very wet conditions), the deadline by which the Planning Board shall take action on the pre-application conference and site inspection may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct the site inspection.

32.07 SUBDIVISION REVIEW PROCESS: MINOR SUBDIVISIONS

32.07.01 Minor Subdivision may have to Comply with Major Subdivision Requirements

The Planning Board may require, where it deems it necessary for the protection of public health, safety, and general welfare, that a Minor Subdivision, which is defined as any subdivision containing not more than four (4) lots or dwelling units, comply with all or any of the procedural and submission requirements of a Major Subdivision.

32.07.02 Submission Packet

The submission Packet required for Minor Subdivisions shall include the following:

32.07.02.01 Applications and Exhibits

An application and attachments for Planning Board review of Minor Subdivisions shall be submitted as specified in Section 32.10 of this Ordinance.

32.07.02.02 Final Subdivision Plan

A Final Subdivision Plan for Planning Board review of Minor Subdivisions shall be submitted as specified in Section 32.12 of this Ordinance.

32.07.02.03 Administrative Fees and Escrow Account

An administrative fee and escrow account for the Planning Board review of Minor Subdivisions shall be submitted as specified in Section 32.13 of this Ordinance.

32.07.03 Procedure

The procedure for reviewing Minor Subdivision Plans is as follows:

32.07.03.01 Request for Final Plan Review

Within six (6) months after classification of the proposed subdivision as a Minor Subdivision, the Applicant shall submit a complete Final Plan and request, through the Town Clerk, to be placed on the Planning Board's agenda. Such a request shall be made at least thirty (30) days prior to the regularly scheduled meeting at which the applicant wishes to be heard. Failure to do so within six (6) months of classification may require a new pre-application conference.

32.07.03.02 Review of Submission Packet for Completeness

The Planning Board Chair or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Minor Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, the applicant shall be issued a Dated Receipt of Application and the application placed on the agenda of the first available scheduled Planning Board meeting.

32.07.03.03 Notice to Abutters and Adjacent Municipality

Upon the issuance of a Dated Receipt of Application, the Secretary of the Planning Board shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Plan and application for a proposed Minor Subdivision has been received, the location of the proposed Minor Subdivision, and give a general description of the proposal.

32.07.03.04 Planning Board Review of Plan and Application

Within thirty (30) days from the receipt of an application, the Planning Board shall review the Plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice of Incomplete Application specifying the additional information expected prior to further action on the application. The applicant shall have thirty (30) days thereafter to submit a complete application. If the applicant fails to submit a complete application within that time, the Planning Board may require a new pre-application conference and sketch plan. If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until Final plan approval.

Full evaluation of the Final plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

32.07.03.05 Final Plan Public Hearing Discretionary

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board may decide that the proposed Minor Subdivision lacks such complexity so as to warrant a public hearing, and determine not to hold a public hearing on the Final Plan of the proposed Minor Subdivision.

Notice of a public hearing shall be given pursuant to the provisions of Section 32.03.08. of this Ordinance, should the Planning Board decide one is necessary.

32.07.03.06 Planning Board Decision on Final Plan

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing should a public hearing be held, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan of the proposed Minor Subdivision.

The Planning Board's failure to grant approval within the deadlines specified above shall constitute a denial of the application by the Board unless the applicant waives the specified deadlines.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed Final Plan does or does not meet the criteria in Section 32.04 of this Ordinance.

32.07.03.07 Signatures

Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign two (2) polyester film (mylar) (or other reproducible format, if approved by the Board) copies and four (4) paper copies of the approved Subdivision Plan. A digital copy of the final plan shall also be submitted to the Planning Board.

32.07.03.08 Filing of Approved Final Plan

Planning Board Orders and approved Final Plans for Minor Subdivisions shall be filed in the Penobscot County Registry of Deeds as specified in Section 32.09 of this Ordinance.

32.08 SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS

32.08.01 Submission Packet

The submission packet required for Major Subdivisions, which are defined as any subdivision containing more than four (4) lots or dwelling units, shall include the following:

32.08.01.01 Application and Exhibits

An application and attachments for Planning Board Review of Major Subdivisions shall be submitted as specified in Section 32.10 of this Ordinance.

32.08.01.02 Final Subdivision Plan

A Final Subdivision Plan for Planning Board Review of Major Subdivisions shall be submitted as specified in Section 32.12 of this Ordinance.

32.08.01.03 Administrative Fees and Escrow Account

An administrative fee and escrow account for the Planning Board review of Major Subdivisions shall be submitted as specified in Section 32.13 of this Ordinance.

32.08.02 Procedure

The procedure for reviewing Major Subdivision Plans is as follows:

32.08.02.01 Request for Review of Preliminary Plan

Within six (6) months after classification of the proposed subdivision as a Major Subdivision, the Applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda for Major Subdivision Preliminary Plan review.

Such a request shall be made at least thirty (30) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of classification may require a new pre-application conference.

32.08.02.02 Review of Submission Packet for Completeness

The Planning Board Chair or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Preliminary Plan review of Major Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, he/she shall return the submissions to the applicant with a Notice of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, the applicant shall be issued a Dated Receipt of Application and the application placed on the agenda of the next regularly scheduled Planning Board meeting.

32.08.02.03 Notice to CEO, Abutters and Adjacent Municipality

Upon the issuance of a Dated Receipt of Application, the Secretary of the Planning Board shall notify by mail the CEO, all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Preliminary Plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give a general description of the proposal.

32.08.02.04 Planning Board Reviews Preliminary Plan and Application

Within thirty (30) days from receipt of an application, the Planning Board shall review the preliminary plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice of Incomplete Application specifying the additional information expected prior to further action on the application. The applicant shall have thirty (30) days thereafter to submit a complete application. If the applicant fails to submit a complete application within that time, the Planning Board may require a new pre-application conference and sketch plan.

If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until final plan approval.

A full evaluation of the preliminary plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

32.08.02.05 Preliminary Plan Public Hearing

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board shall hold a public hearing on the preliminary plan of the proposed Major Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section 32.03.08 of this Ordinance.

32.08.02.06 Planning Board Decision on Preliminary Plan

Within thirty (30) days of the public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the preliminary plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact that the proposed preliminary plan does or does not meet the criteria in Section 32.02 of this Ordinance. The Planning Board is not required to sign a preliminary plan.

32.08.02.07 Request for Review of Final Plan

Within six (6) months after approval of a preliminary plan for a Major Subdivision, the applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda for final plan review. Such a request shall be made at least thirty (30) days prior to the next regularly scheduled meeting at which the applicant wishes to be heard. Failure to do so within six (6) months of preliminary plan approval shall require that the preliminary plan be re-reviewed as provided in Sections 32.08.02.01 – 32.08.02.06, above.

32.08.02.08 Review of Submission Packet for Completeness

The Planning Board or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for final plan review of Major Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, he/she shall issue the applicant a Dated Receipt of Application and place the applicant on the agenda of the next regularly scheduled Planning Board meeting.

32.08.02.09 Notice to CEO, Abutters and Adjacent Municipality of Final Plan

Upon the issuance of a Dated Receipt of Application, the Secretary of the Planning Board shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning

Board of municipalities that abut or include any portion of the proposed subdivision if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a final plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give a general description of the proposal.

32.08.02.10 Planning Board Reviews Final Plan

Within thirty (30) days from receipt of the final plan, the Planning Board shall notify the applicant in writing either that the final plan is complete or, if the final plan is incomplete, the specific additional action needed to make a complete final plan.

32.08.02.11 Final Plan Public Hearing

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board may decide to hold a public hearing on the final plan of the proposed Major Subdivision.

32.08.02.12 Planning Board Decision on Final Plan

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing, in the event the Planning Board decides to hold a public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the final plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed final plan does or does not meet the criteria in Section 32.04 of this Ordinance.

32.08.02.13 Signatures

Upon approving the final plan, those members of the Planning Board voting for approval shall sign two (2) polyester film (mylar) (or other reproducible format, if approved by the Board) copies and four (4) paper copies of the approved Subdivision Plan. A digital copy of the final plan shall also be submitted to the Planning Board.

32.08.02.14 Filing of Approved Final Plan

Planning Board Orders and approved final plans for Major Subdivisions shall be filed in the Penobscot County Registry of Deeds as specified in Section 32.09 of this Ordinance.

32.09 FILING PROCEDURES FOR APPROVED SUBDIVISIONS

32.09.01 Filing of Planning Board Orders Required prior to signing of and Filing of Approved Final Subdivision Plans

A copy of the Planning Board's Order regarding any Final Subdivision Plans, including the Board's findings of fact and conclusions and any conditions of approval shall be filed, by the applicant, in the Penobscot County Registry of Deeds. The book and page number of such recording shall appear and be referenced on the approved Final Subdivision Plan prior to the recording of such Plan, as set forth in Section 32.09.01.02 below.

32.09.01.01 Filing Security Deposit Required

Prior to the Planning Board's signing of the Final Subdivision Plan, the applicant shall provide the Town with a filing security deposit, in the form of a cashier's check made payable to the Town of Veazie in the amount as may be established from time to time by the Town Council, after notice and hearing. (see Fee Schedule)

32.09.01.02 Signing of Approved Final Subdivision Plans

Upon receipt of a copy of the recorded Planning Board Order, stamped by the Penobscot County Registry of Deeds, and a filing security deposit, the Planning Board shall enter in ink, in the places provided in the Final Subdivision Plan Approval Block, the book and page and/or file numbers where such Planning Board Order is recorded in the Penobscot County Registry of Deeds.

After entering the book and page numbers, those members of the Planning Board voting for approval shall sign their names in ink in the places provided, on two (2) polyester film (mylar) (or other reproducible format, if approved by the Board) copies and four (4) paper copies of the approved Final Subdivision Plan. One (1) paper copy is for the Planning Board files and one (1) paper copy is for the Tax Assessor.

32.09.01.02.01 Filing of the Signed Subdivision Plan

The applicant will be given the signed original polyester film (mylar) and two (2) signed paper copies of the Final Subdivision Plan. Within ninety (90) days of the date of Planning Board signatures, the applicant shall file the polyester film (mylar) (or other reproducible format, if approved by the Board) and one (1) paper copy with the Penobscot Registry of Deeds and be responsible for having the second paper copy stamped and dated by the Registry of Deeds and returned to the Town of Veazie.

32.09.01.02.02 Failure to File as Required to Result in Voiding of Approved and Forfeiture of Filing Security Deposit

In the event that the applicant fails to file the approved Final Subdivision Plan within the ninety (90) days provided in Section 32.09.01.02.01. above, the Planning Board's approval shall be considered void, and the filing security deposit forfeited.

32.09.01.02.03 Return of Filing Security Deposit

Upon receipt from the applicant of a copy of the approved Final Subdivision Plan, stamped and dated by the Registry of Deeds, the filing security deposit shall be refunded to the applicant by the Town.

32.09.01.02.04 Forfeited Deposits Accrue to the Town

In the event the applicant forfeits his/her filing security deposit, such funds shall accrue to the benefit of the Town.

32.10 SUBDIVISION APPLICATION AND ATTACHMENTS

32.10.01 Application Form

The application form used in the subdivision review process contained in this Ordinance shall be provided by the Town, filled out by the Applicant, and shall include the information required below.

32.10.02 Information to be Submitted

The following information shall be included in the application forms submitted to the Planning Board with the final plans for all Minor Subdivisions and with the preliminary plans for all Major Subdivisions:

32.10.02.01 Information Regarding the Applicant

32.10.02.01.01

The name, address, and phone number of the Owner of Record (Applicant).

32.10.02.01.02

Information regarding the applicant's right, title, or interest in the parcel proposed to be subdivided.

32.10.02.01.03

Information as to whether or not the applicant is a corporation and, if so, whether or not the corporation is licensed to do business in Maine.

32.10.02.01.04

The name, address, and phone number of the applicant's authorized agent (if an agent is applying on behalf of applicant).

32.10.02.01.05

The name, address, phone number, and registration number of the Land Surveyors, and/or Land Planners employed by the applicant to design the proposed subdivision.

32.10.02.01.06

The name, address, and phone number of the individual(s) to whom all communications from the Planning Board should be directed.

32.10.02.01.07

Information regarding the applicant's interest in any property abutting the parcel proposed to be divided and that the proposed subdivision plan covers his/her entire, contiguous holdings.

32.10.02.02 Information Regarding Parcel Proposed to be Subdivided

32.10.02.02.01

The book and page numbers from Registry of Deeds, and a copy of the deed describing the parcel proposed to be subdivided.

32.10.02.02.02

The tax map and lot numbers from the Tax Assessor's Office describing the parcel proposed to be subdivided.

32.10.02.02.03

The existing use of the property proposed to be subdivided.

32.10.02.02.04

The total acreage of parcel proposed to be divided.

32.10.02.02.05

The present zoning of parcel proposed to be subdivided.

32.10.02.02.06

Whether or not the parcel proposed to be subdivided is part of a prior approved subdivision.

32.10.02.02.07

Whether or not any part of the parcel proposed to be subdivided is within the Shoreland Zone.

32.10.02.02.08

Whether or not there are any freshwater wetlands based on an on-site investigation by a State Certified Soil Scientist or Geologist registered in the State of Maine), streams or ponds located in whole or in part on the parcel proposed to be subdivided.

32.10.02.02.09

Whether or not there are any significant groundwater aquifers located in whole or in part on the parcel proposed to be subdivided.

32.10.02.02.10

Whether or not the parcel proposed to be subdivided is in whole or in part located within an identified special flood hazard area.

32.10.02.02.11

Whether or not the parcel proposed to be subdivided has any identified critical natural resources or wildlife habitats located in whole or in part on the parcel proposed to be subdivided.

32.10.02.02.12

Documentation of the location of any groundwater contamination risks found on abutting parcels to the proposed subdivision.

32.10.02.03 Information Regarding Proposed Subdivision

32.10.02.03.01

Name of the proposed subdivision.

32.10.02.03.02

Type of proposed subdivision. (e.g.: residential, commercial, mobile home, mixed, etc.)

32.10.02.03.03

Number of lots and/or units proposed.

32.10.02.03.04

Information regarding proposed methods of disposing of sewage wastes generated by the proposed subdivision.

32.10.02.03.05

Information regarding proposed methods of supplying water required by the proposed subdivision.

32.10.02.03.06

Information regarding proposed methods of disposing of solid wastes generated by the proposed subdivision.

32.10.02.03.07

Information regarding proposed methods of controlling and/or preventing soil erosion and sedimentation resulting from the proposed subdivision.

32.10.02.03.08

Information regarding proposed methods of handling changes in storm water and/or surface water drainage patterns resulting from the proposed subdivision.

32.10.02.03.09

Information regarding proposed interior subdivision roads.

32.10.02.03.10

Information regarding proposed methods of handling traffic volumes projected to be generated by the proposed subdivision.

32.10.02.03.11

Estimated dates of starting and completing any proposed construction.

32.10.02.03.12

Estimated costs of required and proposed improvements.

32.10.03 Exhibits to Accompany Subdivision Applications

In order for the Planning Board to make its required positive findings that the proposed subdivision in fact meets the Criteria of Approval contained in Section 32.04 of this Ordinance, applicants are required to submit clear and sufficient evidence in support of each criteria.

The Planning Board shall from time to time adopt and keep up-to-date specifications of the nature and extent of the evidence it deems necessary to make positive findings with regard to the various criteria of approval.

32.11 SPECIFICATIONS: PRELIMINARY PLANS

32.11.01 Preliminary Subdivision Plans

Preliminary subdivision plans shall be prepared and submitted to the Planning Board, as follows:

32.11.01.01 SHEET SIZE

Preliminary subdivision plans shall be 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.

32.11.01.02 NUMBER OF COPIES TO BE SUBMITTED

Preliminary subdivision plans shall be submitted in nine (9) sets of one or more maps or drawings, printed, or reproduced on paper, this includes one (1) for the Fire Chief's review. Eight (8) copies of the plan(s) reduced to a size of 8 1/2 x 11 inches shall be submitted. In addition, eight (8) copies of the application and required exhibits shall be submitted with the preliminary plans.

32.11.01.03 PLAN SCALE

Preliminary subdivision plans shall be drawn to a scale of not more than one hundred feet (100') to the inch.

32.11.02 Information to be Shown on Preliminary Subdivision Plans

The following information shall be shown on preliminary subdivision plans:

32.11.02.01 GENERAL INFORMATION

The proposed name of the subdivision, name of the Town, the date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, applicant, and professional or professional firm who prepared the plan.

32.11.02.02 BOUNDARY SURVEY

Survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed professional land surveyor, as being a survey as defined and adopted by the Maine Board of Licensure for Professional Land Surveyors. The type of monument set or found at each parcel corner shall also be shown. Said boundary survey shall include, but not limited to, the following:

32.11.02.02.01

Boundary lines of the tract with bearings no less than to the nearest 30 seconds, distances no less than to the nearest 0.01-foot, curve data and any additional information to reproduce the survey mathematically;

32.11.02.02.02

Type of monument set or found at each parcel corner;

32.11.02.02.03

Rights of way and easements of record within or immediately surrounding the tract.

32.11.02.03 CONTOUR LINES

Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level (NGVD).

32.11.02.04 PROPOSED LOT LINES AND LOT NUMBERS

Proposed lot lines with appropriate dimensions in decimals of a foot and lot areas in square feet and proposed lot numbers.

32.11.02.05 EXISTING FOREIGN FEATURES

The location, names, and widths of existing roads, highways, easements, building lines, parks, and other open spaces on or adjacent to the proposed subdivision and the location and size of existing sewers, utility poles, water mains, culverts, other underground utilities, and drainage ways on or adjacent to the proposed subdivision.

32.11.02.06 EXISTING NATURAL FEATURES

The location and configuration of existing waterbodies, watercourses and wetlands on or immediately adjacent to the parcel, prepared by a State Certified Soil Scientist or Geologist, registered in the State of Maine, based on an on-site investigation, existing water bodies, watercourses and the cover types (open field, open shrub, wooded, etc.), and other significant physical features, including the location of any trees larger than twenty-four (24) inch diameter at breast height in areas of proposed construction or where clearing of trees will be likely to occur, and the cover types (open field, open shrub, wooded, etc.), and other significant physical features.

32.11.02.07 NAMES OF ADJACENT PROPERTY OWNERS

The names of the owners of record of all abutting properties, including those of any properties directly across and along any existing public road abutting the proposed subdivision.

32.11.02.08 PROPOSED IMPROVEMENTS

The location, names, and widths of any proposed roads, rights-of-way, easements, building lines, and common open spaces associated with the proposed subdivision and the location and size of any proposed sewer lines, sewage disposal areas, water mains, wells, culverts, and drainage ways associated with the proposed subdivision.

32.11.02.09 PUBLIC IMPROVEMENTS

The location and width of any existing and proposed roads or other public improvements, within the subdivision, shown on the Official Map and/or the Comprehensive Plan, if any.

32.11.02.10 COMMON AND/OR PUBLIC AREAS AND FACILITIES

Identification of all parcels and facilities proposed to be dedicated for common use and/or public ownership and/or use, and the conditions of such dedication and a description of their proposed improvement and management.

32.11.02.11 FLOOD HAZARD AREA BOUNDRIES

If any portion of the subdivision is in a flood-prone area, the boundaries of such areas and the 100-year flood elevation.

32.11.02.12 EXISTING ZONING

The names and boundaries of any existing local zoning designations applicable to the property proposed to be subdivided.

32.11.02.13 SURVEYOR/PLANNER'S CERTIFICATION AND SEAL

The name, signature, registration number, and seal of the land surveyor who prepared the survey and the architect, engineer, or planning Consultant who designed the plan.

32.12 SPECIFICATIONS: FINAL SUBDIVISION PLAN

32.12.01 Final Subdivision Plans

Final minor and final major subdivision plans shall be prepared and submitted to the Planning Board, through the Town Clerk, in the same manner as required for preliminary subdivision plans in Section 32.11.

32.12.02 Information to be Shown on Final Subdivision Plans

In addition, the following shall be shown on all final minor and final major subdivision plans:

32.12.02.01 Final Plan Approval Block

An approval block to record the approval of the final plan shall be permanently affixed to final minor and final major subdivision plans and shall read as follows:

APPROVAL BLOCK

This Subdivision Plan has been approved with/without conditions by the Veazie Planning Board in accordance with Title 30-A, MRSA, Section 4401, et seq.

Approved lots may be sold or leased only in accordance with all applicable terms and conditions included in and/or attached to the written Order issued by the Planning Board on _____, and recorded in the Penobscot County Registry of Deeds in Book _ on page _____

Signed

Date _____

32.12.02.02 9-1-1 Lot Numbering System

Lines or dots in the center of the streets every fifty (50) feet so as to aid in assignment of numbers to structures subsequently constructed.

32.13 APPLICATION FEES AND TECHNICAL REVIEW ACCOUNTS

32.13.01 Ordinance Fee

The non-refundable fee for each copy of this Ordinance is the cost of reproduction per copy, as the same may be established from time to time by the Town Council, after notice and hearing. Copies of the Ordinance will be available for review at the Town Office. (see Fee Schedule)

32.13.02 Pre-Application Conference/Sketch Plan and Application Processing Fees

The Pre-Application and Application Processing Fees are required to cover the administrative handling costs associated with subdivision review under this Ordinance. The non-refundable fee to accompany Pre-Application Conference/Sketch Plan and Preliminary Plan applications of Subdivisions as the same may be established from time to time by the Town Council, after notice and hearing. The fee shall reflect the reasonable cost of processing, review, regulation, and supervision of the application. (see Fee Schedule)

32.13.03 Technical Review Account

In addition to the fees for copies of the Ordinance, Pre-Application Conference/Sketch Plan, and Application Processing Fees, the applicant shall pay a separate fee per lot or dwelling unit as the same may be established from time to time by the Town Council, after notice and hearing. (see Fee Schedule) This fee is to be deposited in a special account designed for the particular subdivision application, to be used by the Planning Board for hiring independent Consulting or legal services to review the application.

This Technical Review Fee shall be paid prior to the start of the Planning Board's review of the Final Plan of a Minor Subdivision or the Preliminary Plan of a Major Subdivision.

This fee shall be paid to the Town of Veazie, and the purpose of the fee shall be clearly indicated on the receipt for same. The town shall deposit this fee in a special bank account which is separate and distinct from all other Planning Board and Town accounts.

If the balance in this account is drawn down by 50% or more, the Board shall notify the applicant, and require that an additional fee per lot or dwelling unit be deposited by the applicant as the same may be established from time to time by the Town Council, after notice and hearing. (see Fee Schedule) The Board shall continue to notify the applicant and require an additional fee per lot or dwelling unit as set by the Town Council to be deposited as necessary whenever the balance of the account is drawn down by 50% of the original deposit.

Any Balance in the account remaining, after the approval of the subdivision, shall be returned to the applicant.

32.14 REVISION OF APPROVAED PLANS AND TRANSFERS OF APPROVAL

32.14.01 Revision of Approved Subdivision Plans

Any application for subdivision approval which constitutes a revision or amendment to a final subdivision plan, which has been previously approved, shall indicate that fact on the application and shall identify the original subdivision being revised or amended.

Applications for revisions to existing plans shall comply with all of the fees, procedural requirements, and submissions required of this Ordinance for their classification.

The Planning Board shall make findings of fact and conclusions of law that the proposed revisions do or do not meet the applicable criteria of approval provided in Section 32.04.

32.14.02 Transfer of Subdivision Approval

If the transfer in ownership of any approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Planning Board. The new owner shall be required to submit a subdivision plan amendment to the Planning Board for its review and action.

32.15 ADDITIONAL REQUIRED IMPROVEMENTS

The following improvements are required for all subdivisions, unless waived by the Board in accordance with the provisions of this Ordinance.

32.15.01 Monuments

32.15.01.01

Iron pin or stone monuments shall be set at all road intersections and points of curvature.

32.15.01.02

Stone monuments shall be a minimum of four (4) inches square at the top and four (4) feet in length. After they are set, drill holes, one-half (1/2) inch deep shall locate the point or points described above.

32.15.01.03

Development boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable permanent monumentation including, but not limited to the following:

32.15.01.03.01

A granite monument;

32.15.01.03.02

A concrete monument;

32.15.01.03.03

An iron pin; or

32.15.01.03.04

A drill hole in ledge.

32.15.02 Water Supply

32.15.02.01

The Board may allow the use of individual wells or a private central water supply system.

32.15.02.02

When a development is to be served by a central water supply system, the complete supply system, including any required fire ponds and dry hydrants, shall be installed at the expense of the subdivider.

32.15.02.03

If a central water supply system is provided by the developer, the location and protection of the source as well as the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.

32.15.02.04

The applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon a finding by the Board that adequate, alternate firefighting provisions exist or will be built as part of the approved plan.

When calculating the minimum water supplies needed for firefighting, generally accepted standards, including but not limited to the 2017 edition of National Fire Protection Association 1142, Standard on Water Supplies for Suburban and Rural firefighting, shall be used.

32.15.03 Subsurface Wastewater Disposal

32.15.03.01

The applicant 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. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

32.15.03.02

Disposal areas shall not be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

32.15.04 Surface Damage

32.15.04.01

Where a development 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. The surface water management system shall be designed by a Registered Professional Engineer.

32.15.04.02

Drainage easements for existing water courses or proposed drainage ways of adequate dimension conforming substantially with the lines of existing natural drainage, shall be provided, and indicated on the Plan.

32.15.04.03

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

32.15.04.04

A surface water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section 32.21, shall be submitted.

32.16 RESERVED FOR FUTURE USE

32.17 VIOLATIONS AND ENFORCEMENT

32.17.01 Recording of Subdivision Plan without Prior Approval Prohibited

No plan of a division of land within the municipality which would constitute a subdivision under this Ordinance shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.

32.17.02 Conveyance without Recording Prohibited

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration and land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

32.17.03 Conveyance of Lots not Shown on Final Plan Prohibited

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration and land in an approved subdivision which is not shown on the Final Plan as a separate lot.

32.17.04 Utility Hookups Prior to Approval Prohibited

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.

32.17.05 Development Prior to Approval Prohibited

Development of a subdivision or project requiring approval under this Ordinance, without Board approval shall be a violation. 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.

32.17.06 Road Completion Prior to Occupancy Required

No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this Ordinance.

32.17.07 Failure to Comply with Conditions of Approval

Failure to comply with any conditions of approval shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction, development or any specific activity violating the conditions of permit approval or applying the legal penalties provided herein.

32.17.08 Failure to Pay

Failure to pay application fees, filing fees, and technical review accounts as required by this Ordinance shall be considered a violation of this Ordinance, which will stop the review process and void approvals.

32.17.09 Owner Responsible for Off-Site Sedimentation

Whenever sedimentation is caused by stripping vegetation, re-grading, or other development, it shall be the responsibility of the owner to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail (return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance.

32.17.10 Nuisances

Any violation of this Ordinance shall be deemed a nuisance.

32.17.11 Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the person or persons responsible for such violation, the Town Council and the Planning Board, shall be notified in writing, including the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

32.17.12 Legal Actions

When there is a violation of this Ordinance, the Town Council, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Code Enforcement Officer, upon certification, is hereby authorized to represent the Town in District Court pursuant to Title 30-A, MRSA, Sec. 4451 et seq., as amended. In any case, the Town Attorney may prosecute such actions.

32.17.13 Fees and Fines

Any violation of this Ordinance is punishable pursuant to Title 30-A, MRSA, section 4452, as amended. The provisions of that statute governing fines and fees are expressly applicable to violations under this Ordinance. Each day such violation is continued is a separate offense. All such fines shall accrue to the Town.

32.17.14 Contractor Liability

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits and/or approvals for such activity have not been obtained.

32.18 GENERAL PERFORMANCE STANDARDS

In reviewing applications submitted pursuant to this Ordinance, the Board shall consider the following performance standards and make written findings that each has been met prior to issuing final approval.

32.18.01 Conformance with Comprehensive Plan

All proposed subdivisions shall be in conformance with the Comprehensive Plan and Policy Statements of the Town and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

32.18.02 Relationship to Municipal Services

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, sewer and water systems, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

32.18.03 Preservation and Enhancement of the Landscape

The landscape shall be preserved in its natural state insofar as reasonably practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be planted that will define, soften, or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and abutting properties in order to enhance the physical design of the proposed development, and to minimize the encroachment of the proposed uses on neighboring land uses.

32.18.04 Relationship to Scenic Character of the Neighborhood

Proposed buildings, structures and roads shall be related harmoniously to the terrain and to existing buildings and structures in the vicinity.

32.18.05 Retention of Open Spaces and Natural or Historic Features

32.18.05.01

In any subdivision larger than twenty (20) acres, or more than ten (10) lots or dwelling units, the applicant shall provide at least thirty (30) percent of his total area as usable open space. In any subdivision twenty (20) acres or less or containing ten (10) lots or dwelling units or less, the Board may require the developer to provide at least ten (10) percent of his total area as usable open space. It is desirable that areas reserved for recreation be at least two (2) acres in size and easily accessible from all lots within the subdivision.

32.18.05.02

Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended and deemed adequate by the Board.

32.18.05.03

Where the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land.

32.18.05.04

If the Planning Board determines that the reservation of land for parks and/or recreation purposes would be inappropriate or that the land is not suitable or is insufficient in amount, the Board may waive the requirement of land reservation on the condition that the Applicant deposit a cash payment in lieu of land reservation with the Town Clerk. Such payment shall be placed in a trust to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds, and other recreational purposes. The amount of such payment shall be not more than 10% of the appraised market value, including improvements, for each lot approved on the final plan.

32.18.05.05

The Board may require that the development plans include a landscape plan that will show the preservation whenever practicable of any existing trees larger than twenty-four (24) inches in diameter four feet (4') in height above the ground; the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally significant areas. The cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.

32.18.05.06

The Board and Applicant may negotiate an area that connects other open space or Town owned land in order to create green way in lieu of the percentage requirements in 32.18.05.

32.18.06 Land not Suitable for Development

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size for the zone in which the development is located:

32.18.06.01

Land which is situated below the normal high water mark of any water body or below the upland edge of any wetland;

32.18.06.02

Land which is part of a right-of way, or easement, including utility easements;

32.18.06.03

Land that has been created by filling or draining a pond or wetland;

32.18.07 Topsoil and Vegetation Removal

32.18.07.01

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

32.18.07.02

Except for normal thinning, clearing for approved construction, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact whenever feasible to prevent soil erosion.

32.18.07.03

To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a waterbody, and extending one hundred (100) feet inland from all points along the upland edge of the wetland shall be limited in accordance with the clearing of vegetation provisions of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances in effect at the time.

32.18.08 Erosion and Sedimentation Control

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance. The Board shall require an applicant to take measures to correct and prevent soil erosion in the proposed development.

32.18.08.01

The procedures outlined in the erosion and sedimentation control plan, prepared, and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages.

32.18.08.02

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices.

32.18.08.03

Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion.

32.18.08.04

Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

32.18.08.05

The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site.

32.18.08.06

Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

32.18.08.07

The disturbed area and the duration of exposure shall be kept to a practical minimum.

32.18.08.08

Disturbed soils shall be stabilized as quickly as practicable.

32.18.08.09

Temporary vegetation or mulching shall be used to protect disturbed areas during development.

32.18.08.10

Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the BSWD or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.

32.18.08.11

Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.

32.18.08.12

The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Board.

32.18.08.13

During grading operations, methods of dust control shall be employed wherever practicable.

32.18.08.14

Whenever sedimentation is caused by stripping vegetation, re-grading, or other development, it shall be the responsibility of the person or persons causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at their expense as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail (return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance. Under extenuating circumstances, the Code Enforcement Officer may grant an extension of time.

32.18.08.15

It is the responsibility of any person performing any activity on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible the present state of the stream, water course, swale, floodway or right of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed; and

32.18.08.16

Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

32.18.09 Lot Standards

32.18.09.01

All the lot configurations should be designed to maximize the use of solar energy on building sites with suitable orientation.

32.18.09.02

Lot configuration and area shall be designed to provide for adequate off-road parking and service facilities based upon the type of development contemplated.

32.18.09.03

Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

32.18.09.04

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

32.18.09.05

The division of tracts into parcels with substantially more than the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the development in the foreseeable future, the development shall be designed to accommodate the extensions of utilities.

32.18.09.06

If a lot on one side of a road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the road or barrier to meet the minimum lot size, unless such lots are established lots of record prior to the adoption of this Ordinance.

32.18.09.07

Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum dimensional requirements are prohibited, unless such lots are established lots of record prior to the adoption of this Ordinance.

32.18.09.08

All lots shall have a minimum of four (4) sides.

32.18.10 Utilities

32.18.10.01

The Board may require electric, cable television, and telephone lines to be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.

32.18.10.02

Underground utilities shall be installed prior to the installation of the final gravel base of the road.

32.18.10.03

The size, type, and location of streetlights and utilities shall be shown on the plan and approved by the Board.

32.18.11 Construction in Flood Hazard Areas

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including basement, at least one foot 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 hazard area.

32.19 ROAD DESIGN AND CONSTRUCTION STANDARDS

32.19.01 General Requirements

In approving applications submitted pursuant to this Ordinance, the following requirements shall apply:

32.19.01.01

The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools, and other traffic generators.

32.19.01.02

Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the town road system and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.

32.19.01.03

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

32.19.01.04

The Board shall not approve any development plan unless proposed roads are designed in accordance with the specifications contained in this Ordinance. Approval of a Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.

32.19.02 Road Design Standards

32.19.02.01

These design standards shall be met by all roads within subdivisions reviewed under this Ordinance, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

32.19.02.02

Roads shall be designed to discourage through-traffic within residential developments except where such roads are proposed in the Town's Official Map, Land Use Plan, or Development Plan. The Planning Board may consider allowing single-lane, one-way roads provided that such one-lane roads meet emergency vehicle access requirements.

32.19.02.03

Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads in this Ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the Planning Board may require that the development plan 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 requirements of this Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot but shall be reserved to be deeded to the Town or State.

32.19.02.04

Any development containing fourteen (14) or more dwelling units or lots shall have at least two (2) road connections with existing public roads, roads shown on an Official Map and an approved development plan for which performance guarantees have been filed and accepted.

32.19.02.05

The following design standards apply to subdivision road:

DESCRIPTION	DIMENSIONS
Minimum Right of Way Width	50'
Minimum Traveled Way	18'
Shoulder Width	2'
Maximum Grade	8%
Roadway Crown	1/4" /ft
Angle of all Road Intersections	90 degrees
Maximum Grade within 75' of Intersections	3%
Minimum Curb Radii at Intersections	25'
Minimum r/o/w Radii at Intersections	10'

32.19.02.06

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

32.19.02.07

In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Sixty five (65) foot property line radii and fifty (50) foot outer edge of travel way radii. The Board may require the reservation of a twenty (20) foot easement in line with the dead end road to provide continuation of pedestrian traffic or utilities to the next road.

The Board may also require the reservation of a fifty foot (50') easement in line with the dead end road to provide continuation of the road where future subdivision or development is possible.

32.19.02.08 Grades, Intersections and Sight Distances:

32.19.02.08.01

Where new road 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 limit and conform to the table above.

32.19.02.08.02

All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

POSTED SPEED (MPH)	15	20	25	30	35	40	45	50	55
SIGHT DISTANCE (ft)	150	200	250	300	350	400	450	500	550

32.19.02.08.03

Where new road 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 limit and conform to the table above.

32.19.02.08.04

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

32.19.02.08.05

Cross (four-cornered) road 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 roads.

32.19.03 Road Construction Standards

32.19.03.01 Minimum Thickness of Material after Compaction

ROAD MATERIALS
AGGREGATE SUB-BASE COURSE Maximum sized stone = 4" 18"
18" CRUSHED AGGREGATE BASE COURSE 4"

32.19.03.02 Preparation

32.19.03.02.01

Before any clearing has started on the right of way, the centerline and sidelines of the new road shall be staked or flagged at fifty (50) foot intervals.

32.19.03.02.02

On soils which have been identified as not suitable for roadways, such as stumps, organic duff, and loam, the subsoil shall be removed from the street site to a depth of

two feet below the subgrade and replaced with material meeting the specifications for aggregate sub-base below.

32.19.03.02.03

Side slopes of exposed soil 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.

32.19.03.02.04

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.

32.19.03.03 Bases and Pavement

32.19.03.03.01

The Aggregate Sub-base Course 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:

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

32.19.03.03.02

Aggregate for the sub-base shall contain no particles of rock which will not pass the six (6) inch square mesh sieve. If Geotextile Fabric is proposed or required, it shall be installed under Sub-base course.

32.19.03.03.03

The Aggregate Base Course shall be screened or crushed 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:

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock which will not pass the two (2) inch square mesh sieve.

32.19.03.04 Payment Joints:

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

32.19.03.05 Curbs and Gutters:

Road curbs and gutters shall be installed as required by the Board. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

32.19.03.06 Pavements:

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 three quarters (3/4) inch maximum, applied in a two inch (2") minimum compacted thickness.

32.19.03.07

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 one half (1/2) inch maximum, applied in a one inch (1") minimum compacted thickness.

32.19.04 Cleanup

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

32.19.05 Road Names, Numbering, Signs and Lighting

Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town and shall be subject to the approval of the Town 911 Addressing Officer. The developer shall reimburse the Municipality for the costs of installing road names, traffic safety and control signs. Road lighting shall be installed as required and approved by the Board and paid for by the developer.

Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. The approval by the Planning Board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan lines or dots in the center of the streets every fifty (50) feet so as to aid in assignment of numbers to structures subsequently constructed.

32.19.06 Driveway Culverts

The minimum size of any driveway culvert shall be fifteen (15) inches in diameter. The minimum and maximum lengths respectively shall be twenty-four (24) and thirty-six (36) feet in length.

PVC pipe can be used as long as it has a minimum of eighteen (18) inches of cover, this means compacted, with suitable material, (no rocks larger than one (1) inch) on all sides of pipe.

32.19.07 Certification of Construction

Upon completion of road construction, a written certification signed by a professional engineer registered in the State of Maine, approved by the Planning Board, shall be submitted to the Planning Board at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of this Ordinance. "As built" plans may be required by the Planning Board.

32.20 BUFFER AND SCREENING STANDARDS

32.20.01 Buffers and Screening

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following buffer and screening standards:

32.20.01.01

All areas located along Town Ways, within twenty (20) feet of the edge of the right-of-way shall be used as buffer areas.

32.20.01.02

Buffers in the form of fences, landscaping, berms, and mounds shall be required to minimize any adverse impacts or nuisance on the site or on adjacent properties.

32.20.01.03

Buffers shall be considered in or for the following areas and purposes:

32.20.01.03.01

Along property lines, to shield various uses from each other;

32.20.01.03.02

Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night;

32.20.01.03.03

Parking areas, garbage collection areas, and loading and unloading areas; and

32.20.01.03.04

To block prevailing wind patterns and to stop wind-borne debris from leaving the site.

32.20.01.04

Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and public roadways, and to otherwise prevent any nuisances.

32.20.01.05

Exposed storage areas, service areas, exposed machinery installation, sand and gravel extraction operations, truck-loading areas, utility buildings and structures, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge six (6) feet or more in height.

32.20.01.06

Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.

32.20.01.07

Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and public roadways. When natural features such as topography, gullies, and stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.

32.20.01.08

Evergreens can be used as buffers, provided they are planted in two (2) or three (3) rows of staggered plantings. The rows should be seven (7) feet apart and the evergreens planted six (6) feet on center.

32.20.01.09

Fencing and screening shall be durable and properly maintained at all times by the owner.

32.20.01.10

Fencing and screening shall be located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.

32.20.01.11

All buffers shall be maintained in a neat and sanitary condition by the owner

32.20.02 Plant Material Maintenance Guarantee Required

Prior to the issuance of any permit, the applicant shall furnish the Town of Veazie a three (3) year guarantee that plantings be maintained in accordance with the terms of the Board's approval and in good and healthy condition. A maintenance bond may be required by the Planning Board. Notwithstanding the requirement of a bond from the applicant, the owner of any premises approved by the Board under any section of this Ordinance shall have a continuing obligation to maintain required plantings in accordance with the terms of the Board's approval and in a good and healthy condition.

32.21 STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

32.21.01 General Provisions

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following storm drainage design and construction standards:

32.21.01.01

The storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption and/or evaporation of run-off waters shall be utilized to minimize discharges from the site.

32.21.01.02

Surface water runoff shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained as nearly as possible. The design basis is a twenty-five (25) year storm.

32.21.02 Stormwater Management Design Standards

32.21.02.01

Adequate provision shall be made for disposal of all storm water generated within the development and any drained ground water through a management system of swales, culverts, underdrain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.

32.21.02.02

All components of the storm water management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for the closest reporting station to Veazie, Maine.

32.21.02.03

The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches in diameter. The minimum and maximum lengths respectively shall be twenty- four (24) and thirty-six (36) feet in length. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.

32.21.02.04

Catch basins shall be installed where necessary.

32.21.02.05

Inlets and outlets of culverts shall be stabilized against soil erosion by stone rip- rap or other suitable materials to reduce storm water velocity.

32.21.02.06

The storm water management system shall be designed to accommodate complete watershed drainage, taking into account existing conditions, and approved or planned developments not yet built and shall include a surplus design capacity factor of fifty percent (50%) for potential increases in upstream runoff.

32.21.02.07

Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from any development. The developer shall be responsible for financing any improvements to existing drainage systems required to handle the increased flows.

32.21.02.08

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

32.21.03 Storm Drainage Construction Standards

32.21.03.01 Reinforced Concrete Pipe

Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 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 ASTM designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

32.21.03.02 Corrugated Metal Pipe

Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be required to meet the soil and traffic loads with a deflection of not more than five (5) percent.

32.21.03.03 ABS Pipe

ABS (Acrylonitrile-butadiene-styrene) 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.

32.21.03.04 Corrugated Plastic Pipe

Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.

32.21.03.05 Access Holes

Access holes, if required, shall be of precast concrete truncated cone section construction meeting requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3000 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 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 (ASTM A 283, Grade B or better) for structural steel.

32.21.03.06 Catch Basins

Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3000 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 with tops which shall conform to the requirements of AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

32.21.03.07 Drain Inlet Alignment

Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after Consultation with the Town's Consulting Engineer.

32.21.03.08 Access Hole Placement

Access holes, if required, shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of four hundred foot (400') intervals.

32.21.03.09 Catch Basin and Access Hole Maintenance

Upon completion, each catch basin or access hole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until the Town will accept the road.

32.22 PROVISION FOR CLUSTER DEVELOPMENT

32.22.01 Purpose

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted by this Ordinance. In addition, the purpose of allowing Cluster Development shall be to encourage housing development which will result in:

32.22.01.01

Additional open space and recreation areas;

32.22.01.02

A pattern of development which preserves trees, outstanding natural topography and geologic features and reduces soil erosion; and

32.22.01.03

An efficient use of land resulting in small networks of utilities and streets.

32.22.02 Allowable Reduction in Requirements

To accomplish the purposes above, the layout and dimensional requirements of this ordinance may be reduced as follows:

32.22.02.01

The Board may reduce area requirements by not more than fifty percent (50%) but only if a net area at least equal in area to the cumulative lot size reduction is maintained as common or public land;

32.22.02.02

The Board shall not increase building height limitations; and

32.22.02.03

The modification of requirements under this section shall not require a variance and no finding of undue hardship shall be required;

32.22.03 Performance Standards

All cluster developments approved by the Board must meet the following requirements:

32.22.03.01

All the requirements and standards of this Ordinance, except those dealing with lot layout and dimensions, shall be met.

32.22.03.02

The minimum area of land in a cluster development shall be ten (10) acres.

32.22.03.03

No building shall be constructed on soil types that are poorly drained.

32.22.03.04

Where a cluster development is proposed on a parcel which abuts a waterbody, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.

32.22.03.05

Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south facing slopes, and natural drainage areas in accordance with an overall plan for site development and landscaping.

32.23 PERFORMANCE GUARANTEES

32.23.01 Type of Guarantees

With submittal of the application for final plan approval for any subdivision, the Board may require the developer to provide one of the following performance guarantees for an amount adequate to cover the estimated construction costs of all required improvements, taking into account the timespan of the construction schedule and the inflation rate for construction costs.

32.23.01.01

Either a certified check payable to the Town or a savings account or certificate of deposit all naming the Town as owner, for the establishment of an escrow account, as provided for in Section 32.23.03, below;

32.23.01.02

A performance bond payable to the Town issued by a surety company, approved by the Town Council and Town Attorney, as provided for in Section 32.23.04., below;

32.23.01.03

An irrevocable letter of Credit from a financial institution establishing funding for the construction of the development, from which the Town may draw if construction is inadequate, approved by the Town Council and Town Attorney, as provided for in Section 32.23.05., below; or

32.23.01.04

An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed, as provided for in Section 32.23.06., below. The conditions and the amount of the performance guarantee shall be determined by the Board with the advice of the Town's Road Commissioner, Municipal Officers and/or Attorney.

32.23.02 Contents of Guarantees

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and date after which the developer will be in default allowing the Town access to the funds to finish construction, as provided for in Section 32.23.08., below.

32.23.03 Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer.

32.23.04 Performance Bond

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

32.23.05 Letter of Credit

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

32.23.06 Conditional Agreement

The Board, at its discretion, may provide for the developer to enter into a binding agreement with the Town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that only up to three (3) lots may be sold or built upon until:

32.23.06.01

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; and

32.23.06.02

A performance guarantee, acceptable to the Town, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated 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 Subsection 32.23.08.

32.23.07 Phasing of Development

The Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots or buildings abutting that section of the proposed development's road which is covered by performance guarantee. When development is phased, road construction shall commence from an existing public way. All dead-end roads shall be provided with a permanent or temporary cul-de-sac. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

32.23.08 Release of Guarantee

Prior to the final release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements.

32.23.09 Default

If, upon inspection, the Board, or its qualified agent, finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, it shall so report in writing to the Code Enforcement Officer, the Town Council, and the subdivider or developer. The Town Council shall take any steps necessary to preserve the Town's rights.

32.23.10 Private Roads

Where the development roads are to remain private roads, the following words shall appear on the recorded plan: "All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

Neither the Applicant's intention, nor the lack of such a notation on the recorded plan, shall be deemed to constitute, be evidence of, or create any expectation of acceptance of any road or easement by the Town Council in its capacity as the legislative body of the Town.

32.24 WAIVERS

32.24.01 Waiver of Submission Requirements

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements, 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, or any Ordinance.

32.24.02 Waiver of Performance Standards

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the performance standards, unless otherwise indicated in this ordinance, to permit a more practical and economic 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, or any Ordinance.

32.24.03 Waiver of Required Improvements

Where the Board makes written findings of fact that due to special circumstances of a particular site 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 to the proposed subdivision or development, it may waive the requirement for such improvements, provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan or any Ordinance.

32.24.04 Waiver for Road Design and Construction Standards

Where the board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the road design and construction standards, unless otherwise indicated in this Ordinance, to permit a more practical and economic 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, or any ordinance.

32.24.05 Wavier Conditionally Granted

In granting waivers to any of the provisions of this Ordinance in accordance with subsections A, B, and C, above, the Board shall require such conditions as to assure the purposes and objectives of this Ordinance are met.

32.24.06 Waivers Limited

No other waivers of the provisions of this Ordinance may be granted, except as expressly authorized by this section.

32.24.07 Waiver Revocable

All waivers granted by the Planning Board under this Section of the Ordinance are revocable up to the date of Final Plan approval.

32.25 APPEALS

32.25.01 Board of Appeals

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

32.26 DEFINITIONS

32.26.01 Construction of Language

In this Ordinance, certain terms and words shall be interpreted as follows:

32.26.01.01

The words "persons" and "applicant" include individuals, firms, associations, corporations, organizations, and similar entities;

32.26.01.02

Words used or defined in one tense or form shall include other tenses or derivative forms;

32.26.01.03

Words in the singular number shall include the plural number and words in the plural shall include the singular number;

32.26.01.04

The masculine gender shall include the feminine and the feminine shall include the masculine;

32.26.01.05

The word "shall" is mandatory;

32.26.01.06

The word "may" is permissive;

32.26.01.07

In case of difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

32.26.02 Definitions

For the purpose of interpreting this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

APPLICANT

The assessed owner or owners of land to be subdivided or person with documented right, title, or interest in the land to be subdivided.

BERM

A narrow shelf or path such as a ledge at the top of a ditch.

BOARD

The Planning Board of the Town of Veazie, Maine.

CLUSTER DEVELOPMENT

A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town, or a land conservation organization, as allowed by the Planning Board.