



Planning Board Rules and Regulations:

- Rules of Organization and Procedure
- Subdivision Regulations
- Subdivision Regulation Appendices

Adopted by the
Lovell Planning Board
on
February 2, 1997

*With Amendments Adopted
November 5, 2003, August 4, 2004,
July 2, 2008, and December 1, 2010*

LOVELL PLANNING BOARD

RULES OF ORGANIZATION AND PROCEDURE

1. The Board shall meet monthly on the first Wednesday except when the Board shall choose another date for a particular month. Meetings shall be scheduled for 7:30 pm except when the Board may determine otherwise.
2. The Board shall each year elect its officers at the first meeting of the Board following the annual town meeting. The terms of the officers shall extend from their election to the following election of officers.
3. In the event an officer should leave the Board before his or her term as an officer expires, or is unable to fulfill his or her term as an officer the Board shall elect a replacement for that officer to serve until the next yearly election of officers.
4. Officers may be chosen by the Board from the number of full members and associate members.
5. The Board may elect a member to more than one office except that the chairman and vice chairman shall not be the same person.
6. An associate member succeeding to the position of a full member who leaves the Board before the end of his or her term as a member shall serve out the term to which the full member was elected by town meeting.
7. The terms of all members of the Board shall extend from their election by the annual town meeting until they have been re elected or their successors have been elected. The vice chairman shall preside at meetings of the Board in the event of absence or disqualification of the chairman. The Secretary shall preside in the absence or disqualification of both the chairman and the vice chairman.
8. The associate member with the greater length of service on the Board shall be known as the first associate, and the remaining associate shall be the second associate. If two persons with equal lengths of prior service should be elected or appointed on the same date to the Board as associate members they shall draw lots to determine which shall be first associate.
9. The secretary shall draft minutes of each meeting of the Board for approval at the following meeting. The minutes for each meeting shall record the names of all members present, those who are absent. All actions taken, and all topics discussed by the Board at the meeting. The minutes shall also record the starting and adjournment times of the meeting. The minutes shall also include the names of members of the public presenting testimony at hearings conducted by the Board and the substance of that testimony.

10. The Board may obtain the services of a planner, engineer, or other consultant at the expense of the applicant, to assist in its review of any type of application coming before the Board. In such cases where consulting services are deemed necessary, the Board shall apply the same method set forth in section 6.1.B of the Subdivision Regulations, for obtaining funds from the applicant and placing them in escrow for this purpose.

11. Recusal for Bias or Conflicts of Interest.

- a. To preserve public confidence in the integrity of the Lovell Planning Board, each Board member shall have the duty to avoid even the appearance of a conflict of interest. A Board member therefore shall ask to be excused from participation in any matter before the Board in which the member's impartiality might reasonably be questioned, including, but not limited to, instances where:
 - i. The matter is defined as a conflict of interest by Title 30-A M.R.S.A. sec. 2605, which is when the board member, or a member of his or her immediate family, is an "officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity" which is making the application to the Board; and/or is "directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity;" or
 - ii. The Board member has a personal bias or prejudice concerning any interested party, or representative of a party, to a matter before the Board, because of a personal relationship or financial interest that may be substantially affected, directly or indirectly, by the Board's action on a matter.
- b. If a Planning Board member feels they have a potential or actual bias or conflict as defined above, the member shall follow the process for recusal below:
 - i. The member shall declare the nature of the potential or actual bias or conflict and ask to be excused from participating on the item or issue, or alternately state why the member believes he or she can still participate and act impartially and without bias.
 - ii. The remaining Planning Board members, by majority vote, shall determine whether such a conflict exists, and whether said member shall be required to recuse him or herself, or alternately, allow the member to participate, upon finding that they believe the member can act impartially and without bias.

- c. If any other Board member, person or party questions the impartiality of a Board member before or during the Board's consideration of a matter, the Chair shall treat this as a request that the member be excused from participation, and call for a vote, as set forth in subsection b above.
- d. If the Board votes to accept or require a member's recusal, the member shall be excused from deliberations and voting, and shall leave the board table, until all discussion and/or action on the matter is completed.
- e. In no instance shall a member be excused from deliberations and voting on an item merely due to unwillingness to participate where no conflict of interest or bias is found to exist.

APPROVED FEBRUARY 6TH 2002, AMENDED JULY 2ND, 2008 AND DECEMBER 1ST, 2010.

SETBACKS FOR NEW BUILDINGS FROM STREETS

An applicant for a building permit who wishes to have the minimum setback for the planned construction determined from the centerline of the right of way of the street shall present a plan for the lot prepared by a surveyor registered in Maine, said plan to depict the boundaries of the lot and the centerline of the right of way of the street adjacent to it. Otherwise the minimum setback required for the district shall be determined by the code enforcement officer from the edge of the traveled portion of the street.

APPROVED FEBRUARY 6TH, 2002

[Note: This matter is covered by the Zoning Ordinance in the definition of "setback;" See Article II - Definitions, page 11.]

Subdivision Regulations and Appendices

Table of Contents

ARTICLE 1 –	
PURPOSES.....	
ARTICLE 2 - AUTHORITY AND ADMINISTRATION	
2.1 Authority	
2.2 Administration.....	
2.3 Amendments.....	
ARTICLE 3 –	
DEFINITIONS.....	
ARTICLE 4 - ADMINISTRATIVE	
PROCEDURE.....	
ARTICLE 5 - PREAPPLICATION MEETING, SKETCH PLAN AND SITE	
INSPECTION	
5.1 Purpose	
5.2 Procedure.....	
5.3 Submission	
5.4 Contour Interval and On-Site Inspection.....	
5.5 Rights not Vested	
5.6 Establishment of File.....	
ARTICLE 6 - PRELIMINARY PLAN	
6.1 Procedure.....	
6.2 Submissions.....	
ARTICLE 7 - FINAL PLAN	
7.1 Procedure.....	
7.2 Submissions.....	
7.3 Final Approval and Filing.	
ARTICLE 8 - REVISIONS TO APPROVED PLANS	
8.1 Procedure.....	
8.2 Submissions.....	
8.3 Scope of Review	
ARTICLE 9 - INSPECTIONS AND ENFORCEMENT	
9.1 Inspection of Required Improvements.	
9.2 Violations and Enforcement.	
ARTICLE 10 - PERFORMANCE STANDARDS	
10.1 Pollution	
10.2 Sufficient Water	
10.3 Soil Erosion	
10.4 Traffic Conditions	
10.5 Sewage Disposal.....	
10.6 Impact on the Municipality’s Ability to Dispose of Solid Waste	

10.7	Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline
10.8	Conformance with Zoning Ordinance and Other Land Use Ordinances
10.9	Financial and Technical Capacity
10.10	Impact on Water Quality or Shoreline
10.11	Impact on Ground water Quality or Quantity
10.12	Floodplain Management.....
10.13	Identification of Freshwater Wetlands
10.14	Storm Water Management.....
10.15	Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services
10.16	Phosphorus Impacts on Great Ponds

ARTICLE 11 - DESIGN GUIDELINES

11.1	Sufficient Water
11.2	Traffic Conditions
11.3	Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.....
11.4	Storm Water Management Design Guidelines.....
11.5	Impact on Water Quality or Shoreline
11.6	Lots
11.7	Monuments.....
11.8	Phosphorus Export

ARTICLE 12 - PERFORMANCE GUARANTEES

12.1	Types of Guarantees.....
12.2	Contents of Guarantee
12.3	Escrow Account
12.4	Performance Bond.....
12.5	Letter of Credit
12.6	Conditional Agreement
12.7	Phasing of Development
12.8	Release of Guarantee.....
12.9	Default
12.10	Improvements Guaranteed

ARTICLE 13 - WAIVERS

13.1	Waivers Authorized.....
13.2	Findings of Fact Required
13.3	Conditions
13.4	Waivers to be shown on final plan

ARTICLE 14 - APPEALS

14.1	Appeals to Superior Court.....
------	--------------------------------

Appendix A	Title 30-A MRSA, Sections 4401-4407, Subdivisions
Appendix B	Sample Letter of Credit
Appendix C	Sample Storm Drainage Easement
Appendix D.....	Subdivision Application Form

Appendix E	Preliminary Plan Application Checklist
Appendix F.....	Final Plan Application Checklist
Appendix G.....	Article 10, Performance Standards Checklist
Appendix H.....	Article 11, Design Guidelines Checklist

Town of Lovell, Maine Subdivision Regulations

ARTICLE 1 - PURPOSES

The purposes of these regulations are:

- 1.1** To provide for an expeditious and efficient process for the review of proposed subdivisions;
- 1.2** To clarify the approval criteria of the state Subdivision Law, found in Title 30-A MRSA, §4404;
- 1.3** To assure new development in the Town of Lovell meets the goals and conforms to the policies of the Lovell Comprehensive Plan;
- 1.4** To assure the comfort, convenience, safety, health and welfare of the people of the Town of Lovell
- 1.5** To protect the environment and conserve the natural and cultural resources identified in the Lovell Comprehensive Plan as important to the community;
- 1.6** To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- 1.7** To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
- 1.8** To promote the development of an economically sound and stable community.

ARTICLE 2 - AUTHORITY AND ADMINISTRATION

2.1 Authority.

- A. These standards have been prepared in accordance with the provisions of Title 30-A MRSA, §4403.
- B. These standards shall be known and may be cited as “Subdivision Regulations of the Town of Lovell Maine.”

2.2 Administration.

- A. The Planning Board of the Town of Lovell, hereinafter called the Board, shall administer these regulations.
- B. The provisions of these regulations shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Lovell.

2.3 Amendments.

- A. These regulations may be amended by:
 - 1. The Legislative Body of the Town of Lovell.
 - 2. The Planning Board if the Legislative Body has not adopted or amended the standards.
- B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

ARTICLE 3 - DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, any word or term defined in the Lovell Zoning Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the comprehensive plan for housing affordability.

Applicant: The person applying for subdivision approval under these regulations.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations, or by a vote by the Board to waive the submission of required information. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of

goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

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

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to $\frac{1}{8}$ acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

100-Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, 1991 edition, published by the

National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Municipal Engineer: Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

New Structure or Structures: Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

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

Planning Board: The Planning Board of the Town of Lovell.

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

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Reserved Affordable Housing: Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

Arterial Street: A major thoroughfare which serves as a major traffic way for travel through the municipality. The following roadways shall be considered arterial streets: State Route 5, State Route 93.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision: The word subdivision shall be defined as in Title 30-A M.R.S.A. 4401, as amended.

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, river, stream or brook. Wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

ARTICLE 4 - ADMINISTRATIVE PROCEDURE

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board's agenda at least fourteen (14) days in advance of a regularly scheduled meeting by contacting the Chairperson. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

ARTICLE 5 - PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION

5.1 Purpose.

The purpose of the preapplication meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

5.2 Procedure.

- A. An applicant shall request to be placed on the agenda of the Board by contacting the Board Chairman at least fourteen (14) days prior to the date of a regular Board meeting.
- B. The applicant shall present the Preapplication Sketch Plan and make an oral presentation regarding the site and the proposed subdivision.
- C. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
- D. The Board shall select the date of the on-site inspection. The applicant shall be responsible for any costs incurred by the Board for the on-site inspection.

5.3 Submission.

The Preapplication Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings or building envelopes, paths or walkways, and other proposed features in relation to existing man-made features, and existing features of conservation value. Features of conservation value shown on the sketch should include tree stands, prime agricultural soils, streams, wetlands, existing paths, trails, ridgelines, and open fields. The Sketch Plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information and a written narrative to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:

- A. A copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in size.
- B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

Streets shall be aligned in a manner that is the least disruptive to land and features of conservation value, and that provides the most logical access to the proposed house sites. When applicable, proposed footpaths linking the open spaces within the development to adjacent conservation land, or to existing trails and destination points shall be shown. Lot lines shall be drawn as a last step in the sketch plan design process.

5.4 Contour Interval and On-Site Inspection.

Within thirty days of the preapplication meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place “flagging” at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5.5 Rights not Vested.

The preapplication meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 MRSA, §302.

5.6 Establishment of File.

Following the preapplication meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the preapplication meeting and application shall be maintained in the file.

ARTICLE 6 - PRELIMINARY PLAN

6.1 Procedure.

- A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan, delivered or mailed with an arrival date at least fourteen (14) days prior to a scheduled meeting of the Board, as follows:
1. Applications shall be submitted by mail to the home address of each Planning Board member. Member addresses are available from the municipal office.
 2. One copy shall be submitted to the Planning Director of the Southern Maine Regional Planning Commission.
 3. Five (5) copies shall be delivered or mailed to the municipal offices for distribution to the Code Enforcement Officer, the Fire Chief, the Public Works Commissioner, and any other parties as the Board may designate.

Failure to submit an application for preliminary plan approval within six months of acceptance of the Sketch Plan shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

- B. All applications for preliminary plan approval of a subdivision shall be accompanied by an application fee of \$250 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of \$2,000 to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional \$1,000 be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$1,000 be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising.
- C. When the application copies listed in subsection A above are delivered, the applicant shall immediately notify in writing by certified mail, return receipt requested, all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. Said notices shall be postmarked at least 14 days prior to the meeting at which the preliminary plan application will be discussed. The applicant shall obtain the names and addresses of abutters from the Town's tax assessing records, and shall utilize an abutter notification form provided by the Town. The Board shall be provided with a list of the abutters notified, with a dated attestation by the applicant or applicant's representative that the notices have been mailed.

- D. Upon receipt of the application, the Board shall notify the road commissioner and fire chief of the proposed subdivision application. The Board shall request that these officials review the application and comment upon the adequacy of their department's existing capital facilities or equipment to service the proposed development. The Board shall also notify the Conservation Commission of the application, and request comments on whether the application meets the standards of Town ordinances with respect to environmental matters, and invite the Commission to participate in any scheduled hearings.
- E. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Board's receipt of the plan until the next meeting that the applicant attends.
- F. At the meeting at which an application for preliminary plan approval of a subdivision is initially presented, the Board shall:
 - 1. Issue a dated receipt to the applicant.
 - 2. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
- G. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- H. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of its determination. The Board shall determine whether to hold a public hearing on the preliminary plan application.
- I. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application. The applicant shall send, by certified mail, return receipt requested, a copy of the hearing notice to all owners of abutting property. Said notices shall be postmarked at least 14 days prior to the hearing. The applicant shall obtain the names and addresses of abutters from the Town's tax assessing records. The Board shall be provided with a list of the abutters so notified, with a dated attestation by the applicant or applicant's representative that the notices have been mailed. The Planning Board shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at

least three prominent places within the municipality at least seven days prior to the hearing.

- J. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- K. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:
 - 1. The specific changes which it will require in the final plan;
 - 2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 - 3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
- L. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

6.2 Submissions.

The preliminary plan application shall consist of the following items.

- A. Application Form.
- B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 - 1. Existing subdivisions in the proximity of the proposed subdivision.
 - 2. Locations and names of existing and proposed streets.
 - 3. Boundaries and designations of zoning districts.
 - 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

- C. Preliminary Plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) reduced to a size of 11 by 17 inches, and all accompanying information shall be delivered or mailed by the applicant to each Board member with an arrival date no less than fourteen days prior to the meeting.
- D. Application Requirements. The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A MRSA, §4404 are met.
1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
 2. Verification of right, title or interest in the property.
 3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
 4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
 5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
 6. Test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
 7. The date the plan was prepared, north point, and graphic map scale.
 8. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
 9. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size. All areas of the site which may be developed shall be included in the soil survey, including all building envelopes, and likely areas for streets, driveways, and stormwater management elements.
 10. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features

11. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
12. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
13. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
14. The location and size of existing and proposed culverts, and drainage ways on or adjacent to the property to be subdivided.
15. The location, names, and present widths of existing streets, easements, building lines, parks and other open spaces or public improvements on or adjacent to the subdivision.
16. The proposed lot lines with approximate dimensions and lot areas, proposed building envelopes or building footprints, as well as any proposed streets, drives or driveway entrances.
17. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
18. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
19. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
20. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
21. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, if
 - a. Any part of the proposed subdivision is located over a sand and gravel aquifers as shown on a GIS map layer entitled "Significant Aquifer Polygons," Published July 24, 2006 by the Maine Office of Geographic Information Systems; or
 - b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per

80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems.

The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 10.11.A.1 below.

22. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from *Trip Generation Manual*, latest edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
23. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
24. If the proposed subdivision is in the direct watershed of a great pond, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

ARTICLE 7 - FINAL PLAN

7.1 Procedure.

A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan, delivered or mailed with an arrival date at least fourteen (14) days prior to a scheduled meeting of the Board, as follows:

1. Applications shall be submitted by mail to the home address of each Planning Board member. Member addresses are available from the municipal office.
2. One copy shall be submitted to the Planning Director of the Southern Maine Regional Planning Commission.
3. Five (5) copies shall be delivered or mailed to ~~in care of~~ the municipal offices for distribution to the Code Enforcement Officer, the Fire Chief, the Public Works Commissioner, and any other parties as the Board may designate.

If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

- B. All applications for final plan approval for a subdivision shall be accompanied by an application fee of \$250 per lot or dwelling unit payable by check to the municipality. The Board may continue to require replenishment of the escrowed funds for consulting fees as authorized in sect 6.1.B, so that it may continue to employ consultants during the final plan application review, if necessary. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the actual costs of advertising.
- C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a waste water discharge license or storm water management permit is needed.

2. Maine Department of Human Services, if the applicant proposes to provide a public water system.
 3. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.
 4. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- D. The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of the Board's receipt of the plan until the next meeting which the applicant attends.
 - E. At the meeting at which an application for final plan approval of a subdivision is initially presented, the Board shall issue a dated receipt to the applicant.
 - F. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
 - G. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the applicant. The Board shall determine whether to hold a public hearing on the final plan application.
 - H. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application. The applicant shall send, by certified mail, return receipt requested, a copy of the hearing notice to all owners of abutting property. Said notices shall be postmarked at least 14 days prior to the hearing. The applicant shall obtain the names and addresses of abutters from the Town's tax assessing records. The Board shall be provided with a list of the abutters so notified, with a dated attestation by the applicant or applicant's representative that the notices have been mailed. The Planning Board shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing.
 - I. The Board shall notify the road commissioner, school superintendent, and fire chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
 - J. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 12.

- K. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A MRSA, §4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

7.2 Submissions.

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. One reproducible, stable-based transparency and three copies of the plan shall be submitted. In addition, one copy of the final plan, reduced to a size of 11 by 17 inches, and all accompanying information shall be delivered or mailed by the applicant to each Board member with an arrival date no less than fourteen days prior to the meeting.

The final plan shall include or be accompanied by the following information.

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
- B. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- C. An indication of the type of sewage disposal to be used in the subdivision.
- D. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
- E. The date the plan was prepared, north point, graphic map scale.
- F. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- G. The location of any zoning boundaries affecting the subdivision.

- H. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- I. The location and size of existing and proposed culverts, and drainage ways on or adjacent to the property to be subdivided.
- J. The location, names, and present widths of existing and proposed streets, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a registered land surveyor. The original reproducible plan shall be embossed with the seal of the registered land surveyor and be signed by that individual.
- K. Street plans, meeting the requirements of Section 11.2.B.2.
- L. A storm water management plan, prepared by a registered professional engineer in accordance with the Maine Stormwater Best Management Practices Manual, Volumes 1 and 3, published by the Maine Department of Environmental Protection (January 2006). The Board may waive submission of the storm water management plan if the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- M. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may waive submission of the erosion and sedimentation control plan if the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- N. The width and location of any streets or public improvements or open space shown in the comprehensive plan within the subdivision, if any.
- O. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

- P. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Flood Insurance Rate Map, shall be delineated on the plan.
- Q. If any portion of the proposed subdivision is in the direct watershed of a great pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan.
 - 1. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the *Technical Guide*.
 - 2. A long-term maintenance plan for all phosphorus control measures.
 - 3. The contour lines shown on the plan shall be at an interval of no more than five feet.
 - 4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.
- R. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.
- S. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:
 - Schools, including busing
 - Fire protection
 - Solid waste disposal
 - Recreation facilitiesThe applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.
- T. The location and method of disposal for land clearing and construction debris.

7.3 Final Approval and Filing.

- A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the municipality.
- B. Upon findings of fact and determination that all standards in Title 30-A MRSA, §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax

assessors. One copy of the signed plan shall be forwarded to the code enforcement officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

- C. At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Board shall require the plan to be divided into sections to prevent classroom overcrowding. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.
- D. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with Article 9. The Board shall make findings that the revised plan meets the criteria of Title 30-A MRSA, §4404, and the standards of these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.
- E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE 8 - REVISIONS TO APPROVED PLANS

8.1 Procedure.

An applicant for a revision to a previously approved plan shall, at least fourteen (14) days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

8.2 Submissions.

The applicant shall submit a copy of the approved plan as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

8.3 Scope of Review.

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

ARTICLE 9 - INSPECTIONS AND ENFORCEMENT

9.1 Inspection of Required Improvements.

- A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
 - 1. Notify the code enforcement officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 - 2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.
- B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the municipal officers, Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.
- C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Board to modify the plans.
- D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.

- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.
- G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot owners' association.

9.2 Violations and Enforcement.

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with these regulations.
- B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- D. No public utility 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.
- E. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in these regulations and recorded in the Registry of Deeds.
- F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.
- G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A MRSA, §4452.

ARTICLE 10 - PERFORMANCE STANDARDS

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A MRSA, §4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines of Article 11 shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 11 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

10.1. Pollution.

- A. The proposed subdivision shall not discharge waste water to a water body without a license from the Maine Department of Environmental Protection.
- B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

10.2. Sufficient Water.

- A. Water Supply.
 - 1. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.
 - 2. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
 - 3. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
 - 4. In areas where the Board, in consultation with the Fire Chief, has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary.

B. Water Quality.

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

10.3. Soil Erosion.

- A. The proposed subdivision shall prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.
- B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- C. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

10.4. Traffic Conditions.

- A. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
 - 1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
 - 2. Avoid traffic congestion on any street; and
 - 3. Provide safe and convenient circulation on public streets and within the subdivision.
- B. More specifically, access and circulation shall also conform to the following standards.
 - 1. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of the street giving access to the subdivision and neighboring streets and intersections to "E" or below, unless the comprehensive plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection.
 - 2. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycleways and traffic controls within existing public streets.
 - 3. Accessways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated

demand. A study or analysis to determine the need for a left-turn storage lane shall be done.

4. Street Names, Signs and Lighting.

Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed as approved by the Board.

5. Clean-up.

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

10.5. Sewage Disposal.

The applicant shall submit evidence of site 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.

- A. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.
- B. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

10.6. Impact on the Municipality's Ability to Dispose of Solid Waste.

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

10.7. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

- 1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

2. Except where otherwise permitted by the Zoning Ordinance, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.
3. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.
4. When a proposed subdivision street traverses open fields the plans shall include the planting of street trees.

B. Retention of Open Spaces and Natural or Historic Features.

1. If any portion of the subdivision is located within an area designated as “Scenic Views” on Map #2 of the Lovell Comprehensive Plan, that portion shall be reserved for open space preservation.
2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.
4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the municipality in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.
5. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
6. Reserved open space land may be dedicated to the municipality.

C. Protection of Significant Wildlife Habitat.

If any portion of a proposed subdivision lies within:

1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:
 - a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;
 3. Or other important habitat areas identified in the comprehensive plan, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.
- D. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

10.8. Conformance with Zoning Ordinance and Other Land Use Ordinances.

All lots shall meet the minimum dimensional requirements of the zoning ordinance for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance.

10.9. Financial and Technical Capacity.

A. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability.

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.
2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

10.10. Impact on Water Quality or Shoreline.

Cutting or removal of vegetation along waterbodies shall not increase water temperature, result in shoreline erosion or sedimentation of waterbodies.

10.11. Impact on Ground Water Quality or Quantity.

A. Ground Water Quality.

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - a. A map showing the basic soils types.
 - b. The depth to the water table at representative points throughout the subdivision.
 - c. Drainage conditions throughout the subdivision.
 - d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies

are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity.

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation

10.12. Floodplain Management.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

- A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
- B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

10.13. Identification of Freshwater Wetlands.

Freshwater wetlands shall be identified in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers.

10.14. Storm Water Management.

- A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those described in the Maine Stormwater Best Management Practices Manual, Volumes 1 and 3, published by the Maine Department of Environmental Protection, January 2006, and in conformance with the policies of the comprehensive plan.
- B. Where necessary to achieve the above, 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.

Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.

10.15 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services.

A. All open space, common land, facilities and property shall be owned by:

1. The owners of the lots or dwelling units by means of a lot owners' association;
2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
3. The municipality.

A lot owner's association shall be established to maintain any commonly owned property, including roads. Even if the subdivider intends to dedicate the streets as public ways, an association shall be established in order to maintain the streets until such time as they are accepted by the municipality. If there is no other common property, facilities or services, or otherwise no reason for the existence of the association after acceptance of the streets as public ways, the articles of incorporation and by-laws may provide for its dissolution at that time.

B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.

C. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:

1. It shall not be used for future building lots; and
2. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.

D. The final plan application shall include the following:

1. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
2. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
3. Draft bylaws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association

to cover the costs of major repairs, maintenance and replacement of common facilities.

- E. In combination, the documents referenced in paragraph D above shall indicate that the standards of Section 8.13.B.3 of the Zoning Ordinance are met and also provide for the association to have the power to place a lien on the property of members who fail to pay dues or assessments.

10.16 Phosphorus Export in Great Pond Watersheds.

- A. Any subdivision within the watershed of a great pond shall limit its post development phosphorus export to the standards contained in Section 7.19.C.1 of the zoning ordinance.

The Board shall keep an accurate record of permits issued by watershed and the actual development rates for use in determining the allowable phosphorus export rates when the comprehensive plan is revised. The above table shall be amended as required by amendments to the comprehensive plan, reflecting changes in expected development rates.

- B. Simplified Phosphorus Review.

The simplified review may be used for a:

1. Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three lot subdivision or 600 feet for a four lot subdivision;
2. Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions; or
3. Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

A proposed subdivision which creates lots which could be further divided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

- C. Standard Review.

This section shall apply to proposed subdivisions which do not qualify for the simplified review. Phosphorus export from a proposed development shall be calculated according to the procedures in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992. When a proposed subdivision creates lots which are more than twice the required minimum lot size and there are no deed

restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

D. Maintenance and Use Restrictions for Phosphorus Control Measures.

Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

1. Vegetative Buffer Strips.

Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the plan. Where a vegetative buffer strip is to be owned in common by property owners in the subdivision, documentation establishing the lot owners' association shall include the following standards.

a. Wooded Buffers.

Maintenance provisions for wooded buffers shall provide for either of the following two options.

(1) No Disturbance.

Maintenance and use provisions for wooded buffer strips which are located on hydrologic soil group D soils and within 250 feet of the great pond or a tributary, or which are located on slopes over 20% shall include the following.

- (a) Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.
- (b) All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.
- (c) Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- (d) No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.

- (e) Buffers shall not be used for all-terrain vehicle or vehicular traffic.

(2) Limited Disturbance.

Maintenance and use provisions for other buffer strips may include the following:

- (a) There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained.
- (b) Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.
- (c) Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.
- (d) Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- (e) Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.
- (f) Buffers shall not be used for all terrain vehicle or vehicular traffic.

b. Non-wooded Buffers.

- (1) Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.
- (2) A buffer must maintain a dense, complete and vigorous cover of “non-lawn” vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.
- (3) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.
- (4) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

2. Infiltration Systems.

Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992. Requirements for maintenance shall be included in deed restrictions and as notes upon the plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, a lot owners' association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

3. Wet Ponds.

A lot owners' association shall be established to maintain wet ponds, unless the municipality or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992.

ARTICLE 11 - DESIGN GUIDELINES

This article is intended to provide an example of design guidelines, which if followed will result in meeting the appropriate performance standards of Article 10. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

11.1. Sufficient Water.

A. Well Construction.

1. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.
2. Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.

B. Fire Protection.

1. A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not served by a public water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. The Board may require additional storage capacity upon a recommendation from the fire chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.
2. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches.
3. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the municipality shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.

11.2. Traffic Conditions.

A. Access Control.

1. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the

arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

B. Street Design and Construction Standards.

1. General Requirements.

- a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute intent to accept or be evidence of acceptance by the municipality of any street or easement.
- b. Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
 1. Date, scale, and north point, indicating magnetic or true.
 2. Intersections of the proposed street with existing streets.
 3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
 4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 5. Complete curve data shall be indicated for all horizontal and vertical curves.
 6. Turning radii at all intersections.
 7. Centerline gradients.
 8. Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
- c. Upon receipt of plans for a proposed public street the Board shall forward one copy to the municipal officers, the road commissioner, and the municipal engineer for review and comment. Plans for streets

which are not proposed to be accepted by the municipality shall be sent to the municipal engineer for review and comment.

- d. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.
- e. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet the municipal street design and construction standards.”

2. Street Design Standards.

- a. These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of Article 10.
- b. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.
- c. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), the plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance. When such widening or realignment is included in the municipality’s capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.
- d. The design standards of Table 11.2-1 shall apply according to street classification.

Table 11.2-1. Street Design Guidelines

Description	Type of Street				
	Arterial	Collector	Minor	Private Rights-of-Way	Industrial/Commercial
Minimum Right-of-Way Width	80'	50'	50'	50'	60'
Minimum Traveled Way Width	44'	24'	20'	18'	30'
Minimum Width of					
Shoulders (each side)	5'	3'	3'	3'	9'
Sidewalk Width	8'	5'	5'	N/A	8'
Minimum Grade	.5%	.5%	.5%	N/A	.5%
Maximum Grade*	5%	6%	8%	8%	5%
Minimum Centerline Radius					
without superelevation	500'	280'	280'	175'	400'
with superelevation	350'	175'	175'	110'	300'
Roadway Crown**	1/4"/ft	1/4"/ft	1/4"/ft.	***	1/4"/ft.
Minimum angle of street intersections****	90°	90°	75°	75°	90°
Maximum grade within 75 ft. of intersection	3%	3%	3%	N/A	3%
Minimum curb radii at intersections	30'	25'	20'	N/A	30'*****
Minimum r/o/w radii at intersections	20'	10'	10'	10'	20'

* Maximum grade may be exceeded for a length of 100 feet or less.

** Roadway crown is per foot of lane width.

*** Gravel surfaces shall have a minimum crown of 3/4 inch per foot of lane width.

**** Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

***** Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

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

f. Dead End Streets.

In addition to the design standards in Table 11.2-1, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line: 60 feet; outer edge of pavement: 50 feet; inner edge of pavement: 30 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board shall require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next

street. The Board may also require the reservation of a fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.

g. Grades, Intersections, and Sight Distances.

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances of Table 11.2-2 based on the street design speed.

Table 11.2-2. Minimum Sight Distance for Vertical Curves

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (ft.)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3½ feet and the height of object at ½ foot.

3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to Table 11.2-3. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3½ feet, to the top of an object 4¼ feet above the pavement.

Table 11-2.3. Minimum Sight Distance for Intersections and Driveways

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance (ft.)	250	300	350	400	450	500	550

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

4. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

h. Sidewalks.

Where installed, sidewalks shall meet these minimum requirements.

1. Location.

Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 ½ feet from the curb facing or edge of shoulder if the street is not curbed.

2. Bituminous Sidewalks.

- (a) The “subbase” aggregate course shall be no less than twelve inches thick after compaction.
- (b) The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

3. Portland Cement Concrete Sidewalks.

- (a) The “subbase” aggregate shall be no less than twelve inches thick after compaction.
- (b) The portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

- i. Curbs shall be installed within all subdivisions within the Village zoning districts. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

3. Street Construction Standards.

- a. The minimum thickness of material after compaction shall meet the specifications in Table 11.2-4.

Table 11.2-4. Minimum Pavement Materials Thicknesses

Street Materials	Arterial	Collector	Minor	Private Right of Way	Industrial/ Commercial
Aggregate Subbase Course (Max. sized stone 6")					
Without base gravel	24"	18"	18"	15"	24"
With base gravel	20"	15"	15"	12"	20"
Crushed Aggregate Base Course (if necessary)	4"	3"	3"	3"	4"
Hot Bituminous Pavement					
Total Thickness	3"	3"	3"	N/A	4"
Surface Course	1 1/4"	1 1/4"	1 1/4"	N/A	1 1/4"
Base Course	1 3/4"	1 3/4"	1 3/4"	N/A	2 3/4"
Surface gravel	N/A	N/A	N/A	3"	N/A

- b. Preparation.

1. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either 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 gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.
4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

c. Bases and Pavement.

1. Bases/Subbase.

- (a) The Aggregate subbase 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 inch square mesh sieve shall meet the grading requirements of Table 11.2-5.

Table 11.2-5. Aggregate Subbase Grading Requirements

Sieve Designation	Percentage by Weight Passing
	Square Mesh Sieves
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

- (b) If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. 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 inch square mesh sieve shall meet the grading requirements of Table 11.2-6.

Table 11.2-6. Base Course Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

2. Pavement Joints.

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

3. Pavements.

- (a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.
- (b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than ¾ inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

4. Surface Gravel.

Private Rights-of-Way need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two inches in size and meet the grading requirements of Table 11.2-7.

Table 11.2-7. Surface Gravel Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
2 inch	95-100%
1/2 inch	30-65%
No. 200	7-12%

11.3. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

1. Unless located in the Village zoning districts, a subdivision in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.
2. Unless located in the Village zoning districts, building location shall be restricted from open fields, and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of building when viewed from existing public streets.
3. When a proposed subdivision contains a ridge line identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.
4. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty feet apart.

B. Retention of Open Spaces and Natural or Historic Features.

1. open space Sites which are proposed primarily for scenic or passive recreation purposes shall provide access as the Board deems suitable, but no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

2. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas.

The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat or resources identified in Section 10.7.C.

1. Protection of Habitat of Endangered or Threatened Species.
 - a. Habitat or species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space.
 - b. Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.
2. Protection of Waterfowl, Shorebird, and Wading Bird.
 - a. There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:
 1. Shorebird nesting, feeding and staging areas;
 2. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 3. Other important habitat areas identified in the comprehensive plan.
 - b. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.
3. Protection of Deer Wintering Areas.

The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.
4. Protection of Important Shoreland Areas.

- a. Except as in areas described in Section 11.3.C.2, within all the shoreland zone:
 1. Tree removal shall be limited to no more than 40% of the volume of trees 4 inches or more in diameter measured at 4 ½ feet above the ground level on any lot in any ten year period.
 2. Single clear-cut openings greater than 10,000 square feet in the forest canopy shall not be created. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of the guidelines volume may be considered to be equivalent to basal area.
 3. Cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, shall not exceed in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.
- b. These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.
5. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist and their comments presented in writing to the Board.

11.4 Storm Water Management Design Guidelines.

- A. Design of best management practices shall be substantially equivalent to those described in the Maine Stormwater Best Management Practices Manual, Volumes 1 and 3, published by the Maine Department of Environmental Protection, January 2006.
- B. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.
- C. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
- D. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.
- E. Storm Drainage Construction Standards.

1. Materials.

- a. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.
- b. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC) pipe, and corrugated aluminum alloy pipe.
- c. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.

2. Pipe Gauges.

Metallic storm drainage pipe shall meet the thickness requirements of Table 11.4-1, depending on pipe diameter:

Table 11.4-1. Culvert Size and Thicknesses

CMP	Inside Diameter	Material	
		Galvanized CMP Aluminum/Zinc Coated CMP	Aluminum Coated
		Corrugated Aluminum Alloy	Polymer Coated CMP
	15" to 24"	14 ga.	16 ga.
	30" to 36"	12 ga.	14 ga.
	42" to 54"	10 ga.	12 ga.
	60" to 72"	8 ga.	10 ga.

3. 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 municipal engineer.
 4. Manholes 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 400 foot intervals.
- F. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

11.5. Impact on Water Quality or Shoreline.

Within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include any such land shall contain the following restrictions:

- A. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the foot path shall be limited to six feet.
- B. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten year period.
- C. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.
- D. Pruning of tree branches, on the bottom third of the tree is permitted.

11.6 Lots.

- A. Wherever possible, side lot lines shall be perpendicular to the street.
- B. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulations and conditions placed on the original approval.
- C. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
- D. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- E. In areas served by a postal carrier, lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the

existing lot numbers. The lot numbering shall be reviewed by the Postmaster and his comments considered by the Board.

11.7 Monuments.

- A. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
- B. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.
- C. Stone or concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill hole ½ inch deep shall locate the point or points described above.
- D. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

11.8 Phosphorus Export.

- A. When a proposed subdivision is within the direct watershed of a great pond and qualifies for the simplified review procedure, buffer strips shall be provided in accordance with the following table. Buffer strips shall be provided on the downhill side of all lots along all tributaries to great ponds and along the great pond.

The minimum required width of buffer strips are designated in Appendix A of the Lovell Zoning Ordinance and depend on the watershed in which the proposed subdivision is located, the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.
- B. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified reviewed, the phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992.

ARTICLE 12 - PERFORMANCE GUARANTEES

12.1 Types of Guarantees.

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;
- B. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or town manager;
- C. An irrevocable letter of credit (see Appendix B for a sample) from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or town manager; or
- D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

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

12.2 Contents of Guarantee.

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

12.3 Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

12.4 Performance Bond.

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for

collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

12.5 Letter of Credit.

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

12.6 Conditional Agreement.

The Board at its discretion may provide for the applicant to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the final plan on the condition that no more than four lots may be sold or built upon until either:

- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 12.8.

12.7 Phasing of Development.

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

12.8 Release of Guarantee.

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

12.9 Default.

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

12.10 Improvements Guaranteed.

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

ARTICLE 13 - WAIVERS

13.1 Waivers Authorized.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in these regulations or the zoning ordinance, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations.

13.2 Findings of Fact Required.

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

13.3 Conditions.

Waivers may only be granted in accordance with Sections 13.1 and 13.2. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

13.4 Waivers to be shown on final plan.

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

ARTICLE 14 - APPEALS

14.1 Appeals to Superior Court.

An aggrieved party may appeal any decision of the Board under these regulations to Oxford County Superior Court, within thirty days of the date the Board issues a written order of its decision.

APPENDIX A – Subdivision Law

Subchapter 4: SUBDIVISIONS HEADING: PL 1989, c. 104, Pt. A, §45 (new) **30-A §4401. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

1. Densely developed area. "Densely developed area" means any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

2. Dwelling unit. "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

2-A. Freshwater wetland. "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas which are:

A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and [1989, c. 404, §1 (NEW) .]

B. Not considered part of a great pond, coastal wetland, river, stream or brook. [1989, c. 404, §1 (NEW) .]

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

[1989, c. 404, §1 (NEW) .]

3. Principal structure. "Principal structure" means any building or structure in which the main use of the premises takes place.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §1 (RPR) .]

4. Subdivision. "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, 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. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter. [2001, c. 359, §1 (AMD) .]

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when

APPENDIX A – Subdivision Law

made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. A lot of 40 or more acres must be counted as a lot, except:

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance. [2001, c. 651, §1 (AMD).]

D. [2001, c. 359, §2 (RP).]

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §3 (NEW).]

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §3 (NEW).]

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §3 (NEW).]

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate. [2001, c. 359, §3 (NEW).]

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §3 (NEW).]

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection. [2001, c. 359, §3 (NEW).]

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §2 (AMD).]

H. [2001, c. 651, §2 (RP).]

APPENDIX A – Subdivision Law

H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

- (1) Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or
- (2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located. [2001, c. 651, §3 (NEW).]

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §5 (AMD).]

[2001, c. 651, §§1-3 (AMD) .]

5. New structure or structures. "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

6. Tract or parcel of land. "Tract or parcel of land" means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

[2007, c. 49, §1 (AMD) .]

7. Outstanding river segments. In accordance with Title 12, section 402, "outstanding river segments" means:

A. The Aroostook River from the Canadian border to the Masardis and T.10, R.6, W.E.L.S. town line, excluding the segment in T.9, R.5, W.E.L.S.; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. The Carrabassett River from the Kennebec River to the Carrabassett Valley and Mt. Abram Township town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. The Crooked River from its inlet into Sebago Lake to the Waterford and Albany Township town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

D. The Damariscotta River from the Route 1 bridge in Damariscotta to the dam at Damariscotta Mills; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

E. The Dennys River from the Route 1 bridge to the outlet of Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

F. The East Machias River, including the Maine River, from 1/4 of a mile above the Route 1 bridge to the East Machias and T.18, E.D., B.P.P. town line, from the T.19, E.D., B.P.P. and Wesley town line to the outlet of Crawford Lake, and from the No. 21 Plantation and Alexander town line to the outlet

APPENDIX A – Subdivision Law

of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

G. The Fish River from the bridge at Fort Kent Mills to the Fort Kent and Wallagrass Plantation town line, from the T.16, R.6, W.E.L.S. and Eagle Lake town line to the Eagle Lake and Winterville Plantation town line, and from the T.14, R.6, W.E.L.S. and Portage Lake town line to the Portage Lake and T.13, R.7, W.E.L.S. town line, excluding Portage Lake; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

H. The Kennebago River from its inlet into Cupsuptic Lake to the Rangeley and Lower Cupsuptic Township town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

I. The Kennebec River from Thorns Head Narrows in North Bath to the Edwards Dam in Augusta, excluding Perkins Township, and from the Route 148 bridge in Madison to the Caratunk and The Forks Plantation town line, excluding the western shore in Concord Township, Pleasant Ridge Plantation and Carrying Place Township and excluding Wyman Lake; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

J. The Machias River from the Route 1 bridge to the Northfield and T.19, M.D., B.P.P. town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

K. The Mattawamkeag River from the Penobscot River to the Mattawamkeag and Kingman Township town line, and from the Reed Plantation and Bancroft town line to the East Branch in Haynesville; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

L. The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township town lines, excluding Beddington Lake; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

M. The Penobscot River, including the Eastern Channel, from Sandy Point in Stockton Springs to the Veazie Dam and its tributary the East Branch of the Penobscot from the Penobscot River to the East Millinocket and Grindstone Township town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

N. The Piscataquis River from the Penobscot River to the Monson and Blanchard Plantation town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

O. The Pleasant River from the bridge in Addison to the Columbia and T.18, M.D., B.P.P. town line, and from the T.24, M.D., B.P.P. and Beddington town line to the outlet of Pleasant River Lake; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

P. The Rapid River from the Magalloway Plantation and Upton town line to the outlet of Pond in the River; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

Q. The Saco River from the Little Ossipee River to the New Hampshire border; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

R. The St. Croix River from the Route 1 bridge in Calais to the Calais and Baring Plantation town line, from the Baring Plantation and Baileyville town line to the Baileyville and Fowler Township town line, and from the Lambert Lake Township and Vanceboro town line to the outlet of Spednik Lake, excluding Woodland Lake and Grand Falls Flowage; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

S. The St. George River from the Route 1 bridge in Thomaston to the outlet of Lake St. George in Liberty, excluding White Oak Pond, Seven Tree Pond, Round Pond, Sennebec Pond, Trues Pond, Stevens Pond and Little Pond; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

T. The St. John River from the Van Buren and Hamlin Plantation town line to the Fort Kent and St. John Plantation town line, and from the St. John Plantation and St. Francis town line to the Allagash and St. Francis town line; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

U. The Sandy River from the Kennebec River to the Madrid and Township E town line; [1989, c.

APPENDIX A – Subdivision Law

104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

V. The Sheepscot River from the railroad bridge in Wiscasset to the Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributary the West Branch of the Sheepscot from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

W. The West Branch of the Pleasant River from the East Branch in Brownville to the Brownville and Williamsburg Township town line; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §3 (AMD).]

X. The West Branch of the Union River from the Route 181 bridge in Mariaville to the outlet of Great Pond in the Town of Great Pond. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §3 (AMD).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §3 (AMD) .]

SECTION HISTORY

1989, c. 104, §§45, C10 (NEW). 1989, c. 326, §1 (AMD). 1989, c. 404, §1 (AMD). 1989, c. 497, §§1-3 (AMD). 1989, c. 772, §2 (AMD). 1991, c. 500, §§1,2 (AMD). 2001, c. 359, §§1-5 (AMD). 2001, c. 651, §§1-3 (AMD). 2001, c. 359, §8 (AFF). 2001, c. 523, §§1,2 (AFF). 2007, c. 49, §1 (AMD).

30-A §4402. Exceptions

This subchapter does not apply to: [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

1. Previously approved subdivisions. Proposed subdivisions approved by the planning board or the municipal officials before September 23, 1971 in accordance with laws then in effect;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

2. Previously existing subdivisions. Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law;

[1997, c. 51, §1 (AMD) .]

3. Previously recorded subdivisions. A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971;

[1997, c. 323, §1 (AMD) .]

4. Airports with an approved airport layout plan. Any airport with an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and the Federal Aviation Administration; or

[1997, c. 323, §2 (AMD) .]

5. Subdivisions in existence for at least 20 years. A subdivision in violation of this subchapter that has been in existence for 20 years or more, except a subdivision:

A. That has been enjoined pursuant to section 4406; [1997, c. 323, §3 (NEW) .]

B. For which approval was expressly denied by the municipal reviewing authority, and record of the denial was recorded in the appropriate registry of deeds; [1997, c. 323, §3 (NEW) .]

C. For which a lot owner was denied a building permit under section 4406, and record of the denial was recorded in the appropriate registry of deeds; or [1997, c. 323, §3 (NEW) .]

APPENDIX A – Subdivision Law

D. That has been the subject of an enforcement action or order, and record of the action or order was recorded in the appropriate registry of deeds. [1997, c. 323, §3 (NEW).]

[1997, c. 323, §3 (NEW) .]

SECTION HISTORY

1989, c. 104, §A45,C10 (NEW). 1997, c. 51, §§1,2 (AMD). 1997, c. 323, §§1-3 (AMD).

30-A §4403. Municipal review and regulation

This section governs municipal review of proposed subdivisions. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

1. Municipal reviewing authority. The municipal reviewing authority shall review all requests for subdivision approval. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

1-A. Joint meetings. If any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application must be held jointly by the reviewing authorities from each municipality. All meetings and hearings to review an application under section 4407 for a revision or amendment to a subdivision that crosses municipal boundaries must be held jointly by the reviewing authorities from each municipality. In addition to other review criteria, the reviewing authorities shall consider and make a finding of fact regarding the criteria described in section 4404, subsection 19.

The reviewing authorities in each municipality, upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing.

[1997, c. 226, §1 (AMD) .]

2. Regulations; review procedure. The municipal reviewing authority may, after a public hearing, adopt, amend or repeal additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of this hearing.

A. The regulations may provide for a multi-stage application or review procedure consisting of no more than 3 stages:

- (1) Preapplication sketch plan;
- (2) Preliminary plan; and
- (3) Final plan.

Each stage must meet the time requirements of subsections 4 and 5. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

3. Application; notice; completed application. This subsection governs the procedure to be followed after receiving an application for a proposed subdivision.

A. When an application is received, the municipal reviewing authority shall give a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision, and the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including a general description of the project. The municipal reviewing authority shall notify by mail a public drinking water supplier if the subdivision is within its source water protection area. [1999, c. 761, §11 (AMD).]

APPENDIX A – Subdivision Law

B. Within 30 days after receiving an application, the municipal reviewing authority shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

D. The municipal reviewing authority may not accept or approve final plans or final documents prepared within the meaning and intent of Title 32, chapter 121 that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in Title 32, section 13907. [1995, c. 93, §1 (NEW).]

[1999, c. 761, §11 (AMD) .]

4. Public hearing; notice. If the municipal reviewing authority decides to hold a public hearing on an application for subdivision approval, it shall hold the hearing within 30 days after determining it has received a complete application. The municipal reviewing authority shall have notice of the date, time and place of the hearing:

A. Given to the applicant; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Published, at least 2 times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §6 (AMD) .]

5. Decision; time limits. The municipal reviewing authority shall, within 30 days of a public hearing or, if no hearing is held, within 60 days of determining it has received a complete application or within any other time limit that is otherwise mutually agreed to, issue an order:

A. Denying approval of the proposed subdivision; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Granting approval of the proposed subdivision; or [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. Granting approval upon any terms and conditions that it considers advisable to:

(1) Satisfy the criteria listed in section 4404;

(2) Satisfy any other regulations adopted by the reviewing authority; and

(3) Protect and preserve the public's health, safety and general welfare. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §7 (AMD) .]

6. Burden of proof; findings of fact. In all instances, the burden of proof is upon the person proposing the subdivision. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the criteria described in subsection 5.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

7. Conditioned on variance. If the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance, the subdivider must comply with section 4406, subsection 1, paragraph B.

APPENDIX A – Subdivision Law

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

SECTION HISTORY

1989, c. 104, §§A45,C10 (NEW). 1989, c. 497, §§4-7 (AMD). 1995, c. 93, §1 (AMD). 1997, c. 226, §1 (AMD). 1999, c. 761, §11 (AMD).

30-A §4404. Review criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that: [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

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

A. The elevation of the land above sea level and its relation to the flood plains; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

B. The nature of soils and subsoils and their ability to adequately support waste disposal; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

C. The slope of the land and its effect on effluents; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

D. The availability of streams for disposal of effluents; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

E. The applicable state and local health and water resource rules and regulations; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

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

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

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

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

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

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

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

[2001, c. 560, §1 (AMD) .]

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

APPENDIX A – Subdivision Law

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §8 (AMD) .]

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

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §8 (AMD) .]

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

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §8 (AMD) .]

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

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

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

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

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

(1) 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.

(2) 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; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §8 (AMD) .]

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

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 429, §1 (AMD); 1989, c. 497, §8 (AMD) .]

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the

APPENDIX A – Subdivision Law

subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 429, §1 (AMD); 1989, c. 497, §8 (AMD); 1989, c. 878, Pt. A, §85 (RPR) .]

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

[1989, c. 404, §2 (NEW); 1989, c. 429, §2 (NEW); 1989, c. 497, §9 (NEW); 1989, c. 772, §3 (AMD); 1989, c. 878, Pt. G, §5 (RPR) .]

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

[1991, c. 838, §12 (AMD) .]

16. Storm water. The proposed subdivision will provide for adequate storm water management;

[1991, c. 838, §12 (AMD) .]

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

[1997, c. 226, §2 (AMD) .]

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

[2003, c. 622, §2 (AMD) .]

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

[2003, c. 622, §3 (AMD) .]

20. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of 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, 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

APPENDIX A – Subdivision Law

of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

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

[2003, c. 622, §4 (NEW) .]

SECTION HISTORY

1989, c. 104, §§A45,C10 (NEW). 1989, c. 404, §2 (AMD). 1989, c. 429, §§1,2 (AMD). 1989, c. 497, §§8,9 (AMD). 1989, c. 762, §§3,4 (AMD). 1989, c. 772, §3 (AMD). 1989, c. 878, §§A85,86,G5 (AMD). 1991, c. 838, §§12-14 (AMD). 1997, c. 226, §§2-4 (AMD). 2001, c. 560, §1 (AMD). 2003, c. 622, §§2-4 (AMD) .

30-A §4405. Access to direct sunlight

The municipal reviewing authority may, to protect and ensure access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and set-back requirements or other permissible forms of land use controls. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

SECTION HISTORY

1989, c. 104, §§A45,C10 (NEW) .

30-A §4406. Enforcement; prohibited activities

The Attorney General, the municipality or the planning board of any municipality may institute proceedings to enjoin a violation of this subchapter. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

1. Sales or other conveyances. 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 any land or dwelling unit in a subdivision that has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and approved under Title 38, chapter 3, subchapter I, article 6, where applicable, and subsequently recorded in the proper registry of deeds.

A. No register of deeds may record any subdivision plat or plan that has not been approved under this subchapter. Approval for the purpose of recording must appear in writing on the plat or plan. All subdivision plats and plans required by this subchapter must contain the name and address of the person under whose responsibility the subdivision plat or plan was prepared. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 769, §1 (AMD) .]

B. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any applicable subdivision approval standard, that fact must be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds.

(1) In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded in the registry of deeds. This certificate must:

- (a) Indicate the name of the current property owner;
- (b) Identify the property by reference to the last recorded deed in its chain of title; and
- (c) Indicate the fact that a variance, including any conditions on the variance, has been

APPENDIX A – Subdivision Law

granted and the date of the granting.

(2) The variance is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or approval under Title 38, chapter 3, subchapter I, article 6, where applicable, whichever date is later, or the variance is void. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 362, §2 (AMD); 1989, c. 769, §1 (AMD).]

B-1. Whenever the subdivision is exempt from Title 38, chapter 3, subchapter I, article 6, because of the operation of Title 38, section 488, subsection 5, that fact must be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds. The developable land, as defined in Title 38, section 488, subsection 5, must be indicated on the plan. The person submitting the plan for recording shall prepare a sworn certificate in recordable form and record it in the registry of deeds. This certificate must:

- (1) Indicate the name of the current property owner;
- (2) Identify the property by reference to the last recorded deed in its chain of title and by reference to the subdivision plan;
- (3) Indicate that an exemption from Title 38, chapter 3, subchapter I, article 6, has been exercised;
- (4) Indicate that the requirements of Title 38, section 488, subsection 5, have been and will be satisfied; and
- (5) Indicate the date of notification of the Department of Environmental Protection under Title 38, section 488, subsection 5.

The exemption is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval under this subchapter or the exemption is void. [1989, c. 769, §1 (NEW).]

C. A building inspector may not issue any permit for a building or use within a land subdivision unless the subdivision has been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 769, §1 (AMD).]

D. Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable, shall be penalized in accordance with section 4452. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 769, §1 (AMD).]

E. Any person who, after receiving approval from the municipal reviewing authority or approval under Title 38, chapter 3, subchapter I, article 6 and recording the plan at the registry of deeds, constructs or develops the subdivision or transfers any lot in a manner other than depicted on the approved plans or amendments or in violation of any condition imposed by the municipal reviewing authority or the Department of Environmental Protection, when applicable, must be penalized in accordance with section 4452. [1991, c. 548, Pt. D, §5 (RPR).]

F. Any person who sells, leases or conveys for consideration any land or dwelling unit in a subdivision approved under this subchapter and exempt from Title 38, chapter 3, subchapter I, article 6, because of the operation of Title 38, section 488, subsection 5, shall include in the instrument of sale, lease or conveyance a covenant to the transferee that all of the requirements of Title 38, section 488, subsection 5, have been and will be satisfied. [1989, c. 769, §1 (NEW).]

[1991, c. 548, Pt. D, §5 (AMD) .]

2. Permanent marker required. No person may sell or convey any land in an approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" includes, but is not limited to, the following:

APPENDIX A – Subdivision Law

A. A granite monument; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. A concrete monument; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. An iron pin; or [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

D. A drill hole in ledge. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

3. Utility installation. A public utility, water district, sanitary district or any utility company of any kind may not install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officers and the utility, except that if a public utility, water district, sanitary district or utility company of any kind has installed services to a lot or dwelling unit in a subdivision in accordance with this subsection, a subsequent public utility, water district, sanitary district or utility company of any kind may install services to the lot or dwelling unit in a subdivision without first receiving written authorization pursuant to this section.

[2001, c. 40, §1 (AMD) .]

4. Permit display. A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on site while work authorized by the permit is being conducted.

[1991, c. 838, §15 (NEW) .]

SECTION HISTORY

1989, c. 104, §§45, C10 (NEW). 1989, c. 326, §2 (AMD). 1989, c. 497, §10 (AMD). 1989, c. 769, §1 (AMD). 1989, c. 772, §4 (AMD). 1991, c. 548, §D5 (AMD). 1991, c. 838, §15 (AMD). 1997, c. 199, §1 (AMD). 2001, c. 40, §1 (AMD).

30-A §4407. Revisions to existing plat or plan

Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the municipal reviewing authority shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of section 4404. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §11 (AMD).]

1. Recording. If a subdivision plat or plan is presented for recording to a register of deeds and that plat or plan is a revision or amendment to an existing plat or plan, the register shall:

A. Indicate on the index for the original plat or plan that it has been superseded by another plat or plan; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Reference the book and page or cabinet and sheet on which the new plat or plan is recorded; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. Ensure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

APPENDIX A – Subdivision Law

SECTION HISTORY

1989, c. 104, §§A45,C10 (NEW). 1989, c. 497, §11 (AMD).

APPENDIX B – SAMPLE LETTER OF CREDIT

Jane Planner, Chairman
Your Town Planning Board
Town Hall
Your Town, ME 04000

Re: *Letter of Credit for:*
Developer, Inc.
Sunshine Estates
Your Town, Maine

Dear Ms. Planner:

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

Big Town Savings Bank will set aside \$111,200 in a Construction Escrow Account for completion of the required improvements. This account can be drawn upon by Your Town in the event that Developer, Inc. fails to complete steps A through H listed below for Windy Road on or before [*approximately two years from date of Final Plan approval*].

Approximate Length of road 2,350 feet:

A. Grub roadways full width of 50 feet @ \$4/ft.	\$9,400
B. Shape sub-base and grade it @ \$4/ft.	9,400
C. Install under-drain culverts @ \$16/ft.	37,600
D. Apply and shape 18" gravel base @ \$8.30/ft x 2,350 feet	19,500
E. Apply and shape 3" of crushed gravel; apply 1 3/4" of base course bituminous concrete to width of 24 feet, apply bituminous curb and 2" of bituminous concrete to a width of 5 feet @ \$10/ft. x 2,350 feet	23,500
F. Apply 3/4" of surface bituminous concrete to width of 24 feet @ \$5/ft	11,800

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

This Account will expire when Your Town acknowledges in writing to Developer, Inc. that the work outlined in Steps A through H has been completed in accordance with

APPENDIX B – SAMPLE LETTER OF CREDIT

Your Town's subdivision regulations and street acceptance ordinance, and the approved plans of Sunshine Estates. Any funds remaining in the account on [*date specified above*] for work outlined in Steps A through H which has not been completed and approved by the Town on that date will be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer issues his written approvals for each step above to Developer, Inc. the funds in this Account will be released based upon the schedule above.

Drafts drawn upon this account must be for this particular subdivision and to complete any work which is outlined above. Furthermore, drafts must be accompanied by itemized statements showing costs of work to be completed and must be submitted prior to [*six to nine months following date specified above*]. Your Town will not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before [*date specified above*].

Very Truly Yours,

Bob Banker
Loan Officer

SEEN AND AGREED TO:

Developer, Inc.

Your Town hereby accepts this original letter as evidence of Developer, Inc.'s obligation to be performed.

Chair of the Board of Selectmen

APPENDIX C – SAMPLE STORM DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____, of _____, County of _____, being the owner of a certain lot or parcel of land in the Town of Lovell, County of Oxford and State of Maine, which premises are more fully described in a certain subdivision plan entitled _____, by _____, dated _____, and recorded in the Oxford County Registry of Deeds in Plan Book _____, Page _____, which description of said premises is included herein by reference. For and in consideration of the sum of One Dollar and other good and valuable considerations paid by the Inhabitants of the Town of Lovell, State of Maine, the receipt of which is hereby acknowledged, Grantor(s) do(es) hereby give, grant and quit-claim unto the said Inhabitants of the Town of Lovell an easement and right-of-way for the construction, maintenance, repair or replacement of storm drains on or across said premises. Said easement shall be thirty (30) feet in width and _____ (____) feet in length across Lots numbered _____ and shall be located as shown on the above-mentioned subdivision plan.

TO HAVE AND TO HOLD the said easement and right-of-way unto the said Inhabitants of the Town of Lovell for use for storm drainage so long as the same shall be used and maintained for such purposes; and the Grantor(s) hereby dedicate(s) their respective interests in said strip of land to public use for such purposes. Grantor(s) further grant(s) to the Inhabitants of the Town of Lovell the right to enter upon said land for purposes hereinbefore mentioned and Grantor(s), their heirs or assigns shall not construct any structure within said easement or plant vegetation within said easement without the express written consent of the Town of Lovell Road Commissioner.

IN WITNESS WHEREOF, the said _____ have hereunto set my (our) hand(s) and seal(s) this _____ day of _____, in the year of our Lord one thousand nine hundred and _____.

SIGNED, SEALED AND DELIVERED
in presence of

STATE OF MAINE

_____, ss. _____, 19____

APPENDIX C – SAMPLE STORM DRAINAGE EASEMENT

Personally appeared, before me, the above-mentioned
_____ and acknowledged the foregoing instrument to be
_____ free act and deed.

Notary Public/Justice of the Peace

APPENDIX D – PRELIMINARY PLAN APPLICATION

LOVELL PLANNING BOARD
PRELIMINARY PLAN APPLICATION

APPLICANT INFORMATION

Name of Property Owner: _____

Address: _____

Telephone: (____) _____ - _____

Name of Applicant: _____

Address: _____

Telephone: (____) _____ - _____

Name of applicant's authorized agent: _____

Address: _____

Telephone: (____) _____ - _____

Name of Land Surveyor, Engineer, Architect or others preparing plan:

Address: _____

Telephone: (____) _____ - _____ Registration # _____

Person and Address to which all correspondence regarding this application should be sent:

What legal interest does the applicant have in the property to be developed?

☐ ownership ☐ option ☐ purchase and sales contract ☐ other _____

What interest does the applicant have in any abutting property? _____

APPENDIX D – PRELIMINARY PLAN APPLICATION

LAND INFORMATION

Location of Property (Street Location) _____

(from County Registry of Deeds): Book _____ Page _____

(from Tax Maps): Map _____ Lot(s) _____

Current zoning of property: _____

Is any portion of the property within 250 feet of a great pond or river? ☐ Yes ☐

No

Is any portion of the property within the direct watershed of great pond? ☐ Yes ☐

No

If yes, which great pond? _____

Total Acreage of Parcel: _____

Acreage to be developed: _____

Indicate the nature of any restrictive covenants to be placed in the deeds:

Has this land been part of a prior approved subdivision? ☐ Yes ☐ No

Or other divisions within the past 5 years? ☐ Yes ☐ No

Identify existing use(s) of land (farmland, woodlot, etc.) _____

Does the parcel include any waterbodies? ☐ Yes ☐ No

Does the parcel include any wetlands? ☐ Yes ☐ No

Is any portion of the property within a special flood hazard area as identified by the
Federal Emergency Management Agency? ☐ Yes ☐ No

List below the names and mailing addresses of abutting property owners and owners
across the road:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

APPENDIX D – PRELIMINARY PLAN APPLICATION

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION

Proposed name of development: _____

Number of lots or units: _____

Anticipated date for construction: _____

Anticipated date of completion: _____

Does this development propose the extension of public infrastructure? ☐ Yes ☐

No

- ☐ roads ☐ storm drainage ☐ sidewalks ☐ fire protection equipment
☐ other

Estimated cost for infrastructure improvements \$ _____

Identify method of water supply to the proposed development:

- ☐ individual wells
☐ central well with distribution lines
☐ other, please state alternative _____

Identify method of sewage disposal to the proposed development:

- ☐ individual septic tanks
☐ central on site disposal with distribution lines
☐ other, please state alternative _____

Identify method of fire protection for the proposed development:

- ☐ dry hydrants located on an existing pond or water body
☐ existing fire pond
☐ other, please state alternative.

Does the applicant propose to dedicate to the public any streets, recreation or common lands?

APPENDIX D – PRELIMINARY PLAN APPLICATION

street(s) ☐ Yes ☐ No Estimated Length _____
recreation area(s) ☐ Yes ☐ No Estimated Acreage _____
common land(s) ☐ Yes ☐ No Estimated Acreage _____

Does the applicant intend to request waivers of any of the subdivision submission requirements?

☐ Yes ☐ No

If yes, list them and state reasons for the request.

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

(signature of applicant)

(date)

APPENDIX E – PRELIMINARY PLAN APPLICATION CHECKLIST

LOVELL PLANNING BOARD PRELIMINARY PLAN APPLICATION CHECKLIST

Subdivision Name _____ Date _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of Article 6 of the Subdivision Regulations. The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column.

Note that this checklist only covers the submission requirements for a preliminary plan. It does not address the standards that the preliminary plan must meet. There are two other checklists which address the performance standards and the design guidelines which the applicant may find of assistance.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
6.2.A.	Application form					
6.2.B.	LOCATION MAP					
B.1.	Existing subdivisions in the proximity of proposed subdivision					
B.2.	Locations and names of existing and proposed streets					
B.3.	Zoning boundaries and designations					
B.4.	Outline of proposed subdivision and owner's remaining contiguous land					
6.2.C.	Copies of application plus accompanying information mailed to Board members					
6.2.C.	PRELIMINARY PLAN					
C.	Three copies of all maps and/or drawings printed or reproduced on paper					
C.	Scale not smaller than 1"= 100'; for subdivision more than 100 acres, not smaller than 1"= 200'					
6.2.D.	INFORMATION					
D.1.	Name of subdivision, name of town and assessor's Map and Lot Number(s)					
D.2.	Verification of right, title or interest in property					
D.3.	Standard boundary survey					
D.4.	Copy of most recently recorded deed; all restrictions, easements, rights-of-way and other encumbrances					
D.5.	Deed restrictions on proposed new lots or dwellings					
D.6.	Test pit analyses by Site Evaluator and test sites location map					
D.7.	Date plan prepared, north point and graphic map scale					
D.8.	Names and addresses of record owner, subdivider, plan preparer(s) and adjoining property owners					

APPENDIX E – PRELIMINARY PLAN APPLICATION CHECKLIST

D.9.	High intensity soil survey by Soil Scientist; all wetlands identified					
	SUBDIVISION REGULATIONS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
D.10.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features					
D.11.	All rivers, streams and brooks within and adjacent to subdivision; designation of great pond watershed					
D.12.	Topographic contour lines specified by Planning Board					
D.13.	Zoning District(s) and boundaries					
D.14.	Location and size of existing and proposed sewers, water mains, culverts and drainageways on and adjacent to subdivision					
D.15.	Location, name and widths of existing streets and highways					
D.15.	Location, name and widths of existing and proposed easements, building lines, parks and open spaces on or adjacent to subdivision					
D.16.	Proposed lot lines, approximate dimensions and lot areas					
D.17.	Parcels of land proposed to be dedicated to public use; condition of such dedication					
D.18.	Open space to be preserved; proposed ownership, improvements, management					
D.19.	Area of each lot permitting forest clearing and lawn planting					
D.20.	100-year flood elevations					
D.21.	Hydrogeologic assessment if any part of subdivision is over a sand and gravel aquifer, OR average density is more than one dwelling unit per 100,000 sq. ft.					
D.21.	Hydrogeologic assessment if Board determines potential adverse impacts on ground water quality. Conduct assessment per Article 10.11.A.1					
D.22.	Vehicular trip generation rates					
D.23.	High or moderate value wildlife habitat within or adjacent to the subdivision					
D.24.	If the proposed subdivision is within the direct watershed of a great pond AND it qualifies, then the simplified phosphorus control review procedure is required, including a long term maintenance program for phosphorus control. See Article 10.16.A.2					
7.2.D	ADDITIONAL INFORMATION					
	Planning Board may require additional information where it is determined necessary by the Board to meet criteria of the State Subdivision Statute Title 30-A M.R.S.A., §4404.					

APPENDIX F – FINAL PLAN APPLICATION CHECKLIST

LOVELL PLANNING BOARD FINAL PLAN APPLICATION CHECKLIST

Subdivision Name _____ Date _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of Article 7 of the Subdivision Regulations. The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. However, detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans may best be presented on a separate sheet or sheets.

Note that this checklist only covers the submission requirements for a final plan. It does not address the standards that the final plan must meet. There are two other checklists which address the performance standards and the design guidelines which the applicant may find of assistance.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
7.1.	PROCEDURE					
7.1.A.	Submittal of draft Final Plan within 6 months of approval of the Preliminary Plan OR submittal of request for an extension to the filing deadline					
7.1.B.	Filing of appropriate Final Plan application fee					
7.1.C.	Prior to submittal of Final Plan application, the following approvals shall be obtained where applicable: 1. Maine DEP permit(s) 2. Maine DHS permit(s) if public water system 3. Maine DHS permit(s) if engineered subsurface wastewater disposal system 4. Army Corps of Engineers if Section 404 permit required					
7.1.D.-H.	Scheduling procedure and possible public hearing					
7.1.I.	Performance Guarantee specified in Article 12					
7.2.	SUBMISSIONS					
7.2.	One reproducible and three copies of one or more maps at scale of not more than 1"=100'; subdivision more than 100 acres, not larger than 1"=200'					
7.2.	Plans not larger than 24" x 36" with 2" border on binding side; 1" for borders elsewhere					
7.2.	Block for Planning Board signatures					
7.2.	Copies of plan reduced to 8.5"x11" or 11"x17" mailed to Board members seven days prior to meeting					
7.2.	FINAL PLAN INFORMATION					
7.2.A.	Name of Subdivision, Name of Town and Assessor's Map and Lot Number(s)					

APPENDIX F – FINAL PLAN APPLICATION CHECKLIST

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
7.2.B.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features					
7.2.C.	Type of sewage disposal proposed					
7.2.D.	Type of water supply system; evidence of ground water					
7.2.E.	Date plan prepared, north point, graphic map scale					
7.2.F.	Names and addresses of record owner, subdivider, plan preparer(s) and adjoining property owners					
7.2.G.	Location of any zoning boundaries affecting the property					
7.2.H.	If different than Preliminary Plan submittal, any deed restrictions on proposed new lots or dwellings					
7.2.I.	Location and size of existing and proposed culverts and drainageways on or adjacent to proposed subdivision					
7.2.J.	Location, name and widths of existing and proposed streets, easements, building lines, parks and open spaces on or adjacent to subdivision tied to survey points and certified by a registered land surveyor					
7.2.K.	Street designs (see Section 11.2.B.2)					
7.2.L.	Storm water management plan					
7.2.M.	Erosion and sedimentation control plan					
7.2.N.	Location and dimensions of streets, public improvements and open space in subdivision					
7.2.O.	Parcels proposed for dedication to public use; condition(s) of dedication; written documentation of management of subdivider-retained parcels; legal sufficiency to convey title(s) to Town					
7.2.P.	100-year flood elevations					
7.2.Q.	Phosphorus control plan for subdivisions in direct watersheds of great ponds					
Q.1.	Phosphorus impact analysis and control plan					
Q.2.	Long-term maintenance plan					
Q.3.	Contour lines five feet or closer					
Q.4.	25%+ slopes covering more than one acre on phosphorus plans					
7.2.R.	List of items to be constructed before sale of lots; evidence subdivider can cover their costs					
7.2.S	Estimates of capital and operating costs for public entities resulting from subdivision:					
	Schools and busing					
	Fire Protection					
	Solid waste disposal					
	Recreation facilities					
7.2.S	Estimate of net increase in taxable assessed valuation when subdivision fully constructed					
7.2.T	Location and method of construction debris disposal					

APPENDIX G – ARTICLE 10 CHECKLIST

LOVELL PLANNING BOARD ARTICLE 10 CHECKLIST - PERFORMANCE STANDARDS

SUBDIVISION NAME _____

DATE _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide. The checklist does not substitute for the statutory criteria or the requirements of Article 10 of the Subdivision Regulations. The Planning Board also will be using the checklist to make sure that your application meets the performance standards. Indicate if information showing the performance standard is met has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Determined met by Planning Board	Waived by Planning Board
10.1	POLLUTION					
A.	DEP license for discharge of wastewater to a waterbody					
B.	Oil, grease and sediment separator(s) at catch basins before storm water is discharged to waterbody(s)					
B.	Removal of excess nutrients before discharge to a waterbody within the watershed of a great pond					
10.2.	SUFFICIENT WATER					
A.1.	Siting and construction of individual wells to prevent surface and ground water infiltration					
A.2.	Lot configuration to allow for proper siting of well, on-site septic disposal area and reserve area					
A.3.	Location and protection of the source and operation of a central water supply system					
A.4.	Water storage for fire fighting capacity					
B.	Water quality to comply with Drinking Water Rules					
10.3.	SOIL EROSION					
A.	Prevention of soil erosion from entering water bodies					
B.	Erosion and sedimentation control plan					
C.	Topsoil removal and reapplication plan					
10.4.	TRAFFIC CONDITIONS					
A.	Safeguard against hazards to pedestrians; of congestion; safe and convenient circulation					
B.1.	Does not reduce any street's Level of Service (LOS) to "E" or "F" unless Comprehensive Plan allows					
B.2.	Provision as needed for turning, traffic islands, frontage roads, sidewalks, bicycle ways and traffic controls in public streets					
B.3.	Avoidance of queuing to enter accessway to non-residential and multi-family developments					
B.4.	Street names not similar to existing streets; street signs, lighting					

APPENDIX G – ARTICLE 10 CHECKLIST

B.5.	Clean up					
10.5.	SEWAGE DISPOSAL					
A	Test pits represent area large enough for disposal area					
B	No new system variances					
10.6.	Capacity of Town solid waste system vis-a-vis proposed subdivision, or an alternate disposal					
SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Determined met by Planning Board	Waived by Planning Board
10.7.	IMPACTS ON ENVIRONMENT					
A.1.	Limitations on the clearing of trees in designated areas					
A.2.	Screening of buildings from existing public roads except where permitted by Zoning Ordinance					
A.3.	Landscape plan preserving trees larger than 24" diameter, preservation of vegetation and contours					
A.4.	Street trees when subdivision street through open field					
B.1.	Reserved open space where Scenic Views are designated in Comprehensive Plan					
B.2.	Preservation of designated unique natural areas					
B.3.	Protection of historic or prehistoric resources					
B.4.	Reservation of open space for recreation					
B.5.	Suitability of reserved open space					
B.6.	Open space to be dedicated to the town					
C.	Avoidance of adverse impacts on designated significant wildlife habitat					
D.	Protection of existing public accesses to shorelines					
10.8.	Conformance with all requirements and standards of the zoning ordinance and other land use ordinances					
10.9.	FINANCIAL AND TECHNICAL CAPACITY					
A.	Financial capacity to construct the total development					
B.	Technical ability to complete the subdivision					
10.10.	Does not increase water temperature or erosion					
10.11.	IMPACTS ON GROUND WATER					
A.	Ground water quality					
A.1.	Hydrogeologic assessment					
A.2.	Ground water quality projections					
A.3.	Contaminant concentrations in ground water					
A.4.	Ground water treatment for improvement to drinking standards					
A.5.	Control of high contaminant concentrations in ground water					
A.6.	Disposal systems and wells to be constructed as shown on map					
B.	Ground water quantity					
B.1.	Maintenance of ground water table level					
B.2.	Maintenance of infiltration of precipitation					
10.12.	FLOODPLAIN MANAGEMENT					
A.	Public utilities located to avoid flood damage					
B.	Elevation of buildings above the flood level					
C.	Drainage to reduce flood hazards					
10.13.	Freshwater wetlands identified using Corps of Engineers Wetlands Delineation Manual					
10.14.	STORM WATER MANAGEMENT					

APPENDIX G – ARTICLE 10 CHECKLIST

A.	Storm water management plan, <i>Best Management Practices</i>					
A.1.	Peak discharge rates limited to predevelopment levels unless direct discharge to great pond					
A.2.	40% reduction in total suspended solids					
B.	Storm water management easements					
10.15.	OPEN SPACE AND COMMON LAND					
A.	Ownership of open space, common land and facilities					
B.	Limitations on common land; conservation easements					
SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Determined met by Planning Board	Waived by Planning Board
C.	Final Plan notation for common land					
D.	Covenants, draft articles of incorporation and draft bylaws for lot owner association					
E.	Authority of lot owner association					
10.16.	PHOSPHORUS IMPACTS ON PONDS					
A.1	Limit post development phosphorus export					
A.2	Simplified phosphorus review					
A.3	Standard review					
A.4	Maintenance and use restrictions for control measures					

APPENDIX H – ARTICLE 11 CHECKLIST

LOVELL PLANNING BOARD ARTICLE 11 CHECKLIST - DESIGN STANDARDS

SUBDIVISION NAME _____ **DATE** _____

This checklist has been prepared to assist applicants in developing their subdivision plans. It should be used as a guide. The checklist does not substitute for the statutory criteria or the requirements of Article 11 of the Subdivision Regulations. The Planning Board also will be using the checklist to make sure that your application conforms to the design guidelines or other wise meets the performance standards. Indicate if information has been submitted to provide evidence the guideline will be met or if you feel your design will otherwise meet the appropriate performance standards of Article 10. If you feel that a guideline is not applicable to your project, please indicate in the second column.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

DESIGN GUIDELINES		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Determined met by Planning Board	Waived by Planning Board
11.1	SUFFICIENT WATER					
A.	Well construction					
A.1.	Dug wells prohibited on lots one acre and smaller					
A.2.	Wells at least 100 from a street or 50 feet if uphill					
B.	Fire protection					
B.1.	Storage of 10,000 gallons if not on public water					
B.2.	Hydrants to fire department specifications					
B.3.	Easements for access to hydrants					
11.2.	TRAFFIC CONDITIONS					
A.	Access control					
A.1.	No vehicular access from residential lot to arterial street					
A.2.	Double frontage lots					
B.	STREET DESIGN AND CONSTRUCTION STANDARDS					
B.2.	Street Design Standards					
2.b.	Right-of-way width for commercial zoning districts					
2.c.	Land reserved for required widening of existing street					
2.d.	Street design standards table					
2.e.	Layout of centerline of roads					
2.f.	Dead-end streets; cul-de-sacs					
2.g.	Grades, intersections and sight distances					
2.h.	Sidewalks					
2.i.	Curbs					
B.3.	Street Construction Standards					
3.a	Street materials					
3.c.	Bases and pavement					
11.3.	IMPACTS ON NATURAL BEAUTY, ETC.					
A.	Preservation of natural beauty and aesthetics					
A.1.	Wooded buffer strip					
A.2.	Building locations in forested areas					

APPENDIX H – ARTICLE 11 CHECKLIST

DESIGN GUIDELINES		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Determined met by Planning Board	Waived by Planning Board
A.3.	Building locations off or ridge lines					
A.4.	Street trees					
B.	Retention of open spaces, natural or historic features					
C.	Protection of significant wildlife habitat					
C.1.	Endangered or threatened species habitat					
C.2.	Waterfowl, shorebird, and wading bird habitat, atlantic salmon spawning areas, coastal wildlife concentrations					
C.3.	Protection of deer wintering areas					
C.4.	Protection of important shoreland areas					
C.5.	Other important wildlife habitat identified by IF&W or the Comprehensive Plan					
11.4.	STORMWATER MANAGEMENT DESIGN GUIDELINES					
A.	Design of best management practices					
B.	Drainage easements					
C.	Design of drainage pipes and trenches					
D.	Location of catch basins					
E.	Storm drainage construction standards					
E.1.	Storm drainage materials					
E.2.	Pipe gauges					
E.3.	Drain inlet alignment					
E.4.	Location of manholes					
11.5.	IMPACTS ON WATER QUALITY OR SHORELINE					
	Shoreland buffer strips					
11.6.	LOTS					
A.	Lot lines perpendicular to street					
B.	Provision or preclusion of future subdivision					
C.	Lots divided by streams					
D.	Flag and other unusually shaped lots					
E.	Lot numbering					
11.8.	MONUMENTS					
11.9.	PHOSPHORUS EXPORT					
A.	Buffer strips when qualifying for simple review					
B.	Control measures meet DEP's Technical Guide					