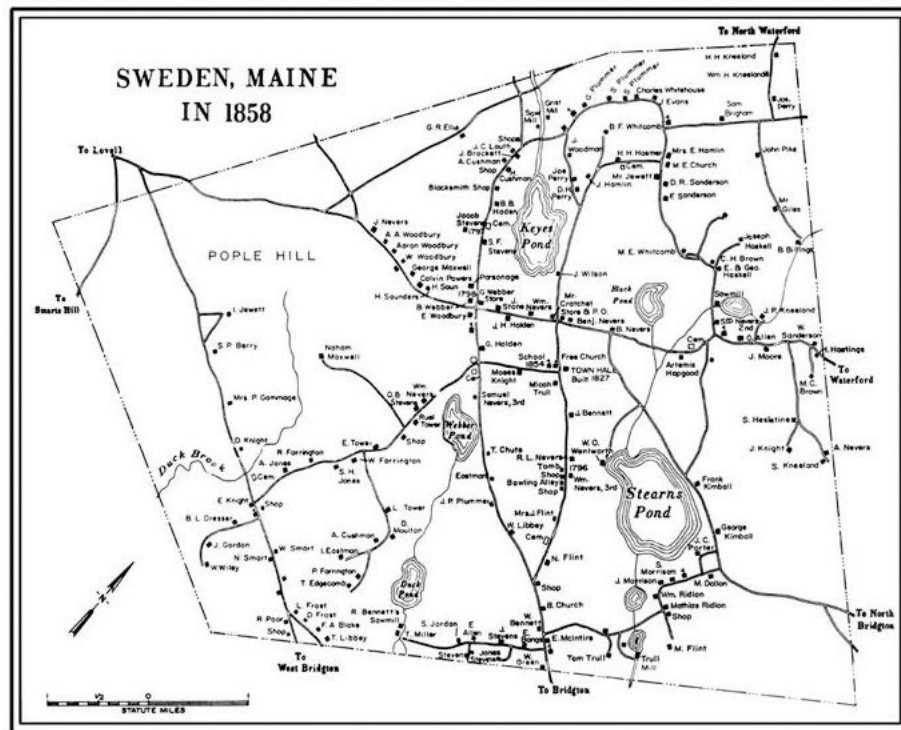


Town of Sweden, Maine Subdivision Regulations

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ARTICLE I - PURPOSES

The purposes of these regulations are to assure the comfort, convenience, safety, health, and welfare of the people of the Town of Sweden, to protect the environment and to preserve the Town's rural character and quality of life as expressed in the Town of Sweden Comprehensive Plan goals, policies, and implementation strategies, and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Sweden, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the Review Criteria of Title 30-A, Maine Revised Statutes Annotated (MRSA) §4404 (see below). When adopting any subdivision regulations and when reviewing any subdivision for approval, the Planning Board shall consider the following criteria and, before granting approval, must determine that:

- 1.1. Pollution:** The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents and the applicable state and local health and water resources rules and regulations.
- 1.2. Sufficient Water:** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
- 1.3. Municipal Water Supply:** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
- 1.4. Erosion:** The proposed subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- 1.5. Traffic:** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway 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.
- 1.6. Sewage Disposal:** The proposed subdivision will provide for adequate sewage waste disposal.
- 1.7. 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.
- 1.8. 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, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

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

1.10. The proposed subdivision will demonstrate specific features that assist to permanently maintain the Town's rural character and ambiance, and to mitigate noise and congestion.

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

1.12. 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 the body of water or unreasonably affect the shoreline of that body of water.

1.12.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.

1.12.A(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.

1.12.A(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.

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

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

1.15. 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.

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

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

1.17. Storm water: The proposed subdivision will provide for adequate storm water management.

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

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

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

1.21. Lands subject to liquidation harvesting: Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Board 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. The Board may request technical assistance from the Department of Agriculture, Conservation, Bureau of Forestry (“Bureau”) to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Board 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 Board within 30 days of receipt of the Board’s request. If the Bureau notifies the Board that the Bureau will not provide assistance, the Board 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 owned by one person or a group of persons in common or joint ownership.

ARTICLE II - AUTHORITY AND ADMINISTRATION

2.A. Authority.

2.A.(1). These standards have been prepared in accordance with the provisions of Title 30-A MRSA §4403, Municipal Review and Regulation.

2.A.(2). These standards shall be known and may be cited as “Subdivision Regulations of the Town of Sweden, Maine.”

2.B. Administration.

2.B.(1). The Planning Board of the Town of Sweden, hereinafter called the Board, shall administer these regulations.

2.B.(2). The provisions of these regulations shall pertain to all land proposed for subdivision, as defined in Title 30-A MRSA, §4401, within the boundaries of the Town of Sweden.

ARTICLE III – DEFINITIONS

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

Abutter: Any person whose property adjoins or is directly across the street or stream from the land under consideration or is located within 200 feet of the land under consideration.

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

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 identification of the projects which need to be considered for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Common Open Space: Land within or related to a subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or of 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 for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of the municipality as defined in Title 30-A MRSA, §4326, subsection 3.B.

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.

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

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

Driveway: A vehicular accessway serving two dwelling units or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses and the units in a duplex, apartment houses, multifamily dwellings, and residential condominiums.

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

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 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 point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

100-Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

Normal High-Water Line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Living Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, and bathing and sanitary facilities; includes single family houses and the units in a duplex, apartment house, multifamily dwelling, and residential condominiums.

Lot Depth: The mean of the horizontal distances between the front lot line and rear lot line, measured along the side lot lines.

Lot Width: The mean of the horizontal distances between the lot side lines measured along the front lot line and the rear lot line.

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

Net Residential Acreage: The total acreage available for the subdivision minus the area for streets or access and the areas unsuitable for development as outlined in Section 10.3.

Net Residential Density: The average number of dwelling units per net residential acre.

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 Sweden.

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

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

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information that is not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Required Improvements: Improvements made to the property to be subdivided following approval of the application for subdivision. These improvements may include monumentation, street construction, stormwater management facilities, fire ponds and dry hydrants, electrical and telecommunications systems, and erosion and sedimentation control measures.

Re-subdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the applicant not indicated on the approved plan.

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. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

Street: Public and private ways such as alleys, avenues, boulevards, 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 that serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

Bridgton Road
Lovell Road
Waterford Road
Knights Hill Road

Collector Street: A street servicing at least fifteen residential units, or streets that serve as feeders to arterial streets and collectors of traffic from minor streets.

Minor Street: A street servicing less than fifteen residential units.

Private Street (ROW): A minor residential street which is not intended to be dedicated as a public way.

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

Subdivision: 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.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this 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.

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

Subdivision, Major: Any subdivision containing more than four lots or living units, or any subdivision containing a proposed street.

Subdivision, Minor: Any subdivision containing not more than four lots or living units, and in which no street is proposed to be constructed.

Tract, or Parcel, of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream or by a private road established by the abutting landowners.

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, must not have ledge outcroppings nor areas with slopes exceeding 10%.

ARTICLE IV - ADMINISTRATIVE PROCEDURE

4.1. Purpose. The purpose of this Article is to establish a procedure for reviewing and approving applications for minor subdivisions, major subdivisions, and revisions to previously approved subdivisions.

4.2. Agenda. To avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least 14 days in advance of a regularly scheduled meeting by contacting the Chair of the Board. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

4.3. Revisions to Approved Plans.

4.3.A. Procedure: an applicant proposing a revision to a previously approved plan shall request to be placed on the Board's agenda at least 21 days in advance of a regularly scheduled Planning Board meeting by contacting the Chair of the Board. The Board Chair shall confirm the date of the next meeting and placement of the applicant on the agenda prior to the applicant sending notification to abutters.

If the revision involves the creation of additional lots or dwelling units, the plan shall be reviewed using procedures for preliminary plan and final plan approval in the same way a new subdivision application would be reviewed. 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, unless the Board determines that a more detailed review is appropriate.

4.3.B. Submissions: Five reproducible originals of the Final Plan shall be submitted. In addition, one copy of the Final Plan (reduced to a size of 8½ by 11 inches or 11 by 17 inches) and all accompanying information shall be mailed to the Code Enforcement Officer, to each Board member and to the Town office to be made available for review by the public no fewer than 14 days prior to the meeting. A copy of the complete package shall also be sent by email to the Board Secretary.

The application shall include enough 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 as well as the book and page on which the original plan is recorded at the Registry of Deeds.

4.3.C. 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 V – PREAPPLICATION FOR MINOR OR MAJOR SUBDIVISION

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.

5.2.A. The applicant shall request to be placed on the Board's agenda at least 21 days in advance of a regularly scheduled Planning Board meeting by contacting the Chair of the Board. The Board Chair shall confirm the date of the next meeting and placement of the applicant on the agenda prior to the applicant sending notification to abutters.

5.2.A.(1). Notification of abutters. The applicant shall notify abutters by certified mail, return receipt requested, at least 14 days prior to the scheduled meeting of their intent to make application for a subdivision and notify abutters of the date, time, and place of applicant's presentation to the Board. Receipts of said notification must be submitted by the applicant to the Board prior to the review of the Preapplication.

5.2.A.(2). Presentation and submission of a Preapplication Sketch Plan by applicant. See paragraph 5.3 below for requirements.

5.2.A.(3). Discussion of Preapplication. After applicant presentation, presentation attendees may ask questions as necessary to further their understanding of the Preapplication plans. The Board will then make specific suggestions for changes or additional information to be incorporated by the applicant into subsequent submissions.

5.2.A.(4). The date of the on-site inspection is scheduled. The on-site inspection shall be conducted within 30 days of the Preapplication Presentation, or within another time period mutually agreed to by the Board and the applicant. Participation is encouraged by the Code Enforcement Officer (CEO), Lakes Environmental Association (LEA), the Sweden Historical Society, the Conservation Committee, the Fire Chief, the Road Commissioner, the Road Advisory Committee (RAC) and any other pertinent committees.

5.2.A.(5). The applicant shall pay the pre-application fee as indicated in the Town of Sweden Fee schedule at this meeting before the on-site inspection is advertised. The on-site inspection will be published in the local paper at least twice (same as public hearing).

5.2.A.(6). If the applicant requested a preapplication meeting and submitted the sketch plan after the creation of the subdivision, then the application fee shall be accompanied by an administrative fine per lot or dwelling unit, whichever is greater, in accordance with the Town of Sweden fee schedule. If it was more than 30 days between being notified that a subdivision had been created and approval is necessary

and the time the applicant requested a pre-application meeting and submitted the sketch plan, then the administrative fine shall be doubled per lot or dwelling unit.

5.2.A.(7). 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.

5.3. Submission by Applicant. The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a hand-drawn sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the Sketch Plan be superimposed on, or accompanied by, a copy of the Assessor’s Map(s) on which the land is located. It will be helpful to both the subdivider and the Board for site conditions such as steep slopes, wet areas, and vegetative cover to be identified in a general manner. The Sketch Plan shall be accompanied by:

5.3.A. A copy of a portion of the United States Geological Survey (USGS) topographic map of the area showing the outline of the proposed subdivision.

5.3.B. A copy of that portion of the Oxford County Soil Survey covering the subdivision, showing the outline of the proposed subdivision.

5.3.C. A copy of the sketch plan and all accompanying information shall be mailed to the Code Enforcement Officer, to each Board member, and to the Town office to be made available for review by the public no fewer than 14 days prior to the meeting. A copy of the complete package shall also be sent by email to the Board Secretary.

5.4. Board Actions. Within 30 days of the presentation and submission of the Preapplication Sketch Plan, the Board shall determine and inform the applicant in writing of the required contour interval to be shown in the Final Plan (for a Minor Subdivision) or Preliminary Plan (for a Major Subdivision).

5.5. Rights not Vested. The submittal or review of the Preapplication Sketch Plan shall not be considered the initiation of the review process for the purposes of bringing the Plan under the protection of Title 1, Maine Revised Statutes Annotated (MRSA) §302.

5.6. Establishment of File. Following the pre-application meeting, the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.

ARTICLE VI - MINOR SUBDIVISION

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

6.2. Procedure.

6.2.A. Within six months after the on-site inspection by the Board, the applicant shall file with the Board an application for approval of a Final Plan for a Minor Subdivision. If the application for the Final Plan is not submitted within six months after the on-site inspection by the Board, the Board may refuse, without prejudice, to act on the Final Plan and may require a repeat of the Preapplication Process. The Final Plan shall reflect the layout shown on the Preapplication Sketch Plan and address changes or additions as recommended by the Board during the Preapplication process.

The applicant shall request to be placed on the Board's agenda at least 21 days in advance of a regularly scheduled Planning Board meeting by contacting the Chair of the Board. The Board Chair shall confirm the date of the next meeting and placement of the applicant on the agenda prior to the applicant sending notification to abutters.

6.2.B. A copy of the final plan and all accompanying information shall be mailed to the Code Enforcement Officer, to each Board member, and to the Town office to be made available for review by the public no fewer than 14 days prior to the meeting. A copy of the complete package shall also be sent by email to the Board Secretary.

6.2.C. The applicant shall notify abutters by certified mail, return receipt requested, at least 14 days prior to the scheduled meeting that an application for approval of a Final Plan has been submitted and notify abutters that an application for approval of a Final Plan for a Minor Subdivision has been submitted, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also notify abutters of the date, time, and place of the scheduled meeting at which the Final Plan is to be discussed. Abutters are identified from the current Town of Sweden Property Tax Assessor's maps and database. The Board shall be provided with copies of such notification, certified mail receipts, and copies of all returned receipts prior to beginning the review.

6.2.D. All applications for approval of a Final Plan for a Minor Subdivision shall be accompanied by a non-refundable application fee in accordance with the Town of Sweden Fee Schedule payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification. To ensure that new development addresses and minimizes community impacts, the applicant shall be aware that any costs for review by others deemed necessary by the Board shall be borne by the applicant. Such costs may include those for independent consulting services such as:

- A planner to review the proposed subdivision layout and the

subdivision standards.

- An attorney to review performance guarantees and/or other documents.
- An engineer to review plans for new roads and the management of stormwater and drainage.
- An inspector to conduct periodic inspections during infrastructure construction.
- A hydrogeologist to identify groundwater impacts.

Note: the municipal reviewing authority may not accept or approve final plans or final documents prepared within the meaning and intent of MRSA Title 32, chapter 141 that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in MRSA Title 32, section 18226.

6.2.E. The applicant, or their duly authorized representative shall attend the meeting of the Board to discuss the Final Plan. The applicant shall provide the Board with a signed letter authorizing any representatives that appear before the Board.

6.2.F. Within 30 days of the meeting of the Board to discuss the Final Plan, the Board shall notify the applicant in writing if the application is complete, or, if not, what additional submissions are required for a complete application.

Upon determination that the Final Plan application submitted for review is complete, the Board shall issue a dated receipt to the applicant.

6.2.G. Upon determination of the completeness of the Final Plan application, the Board may decide a public hearing is necessary prior to making findings of fact on the application. If the Board decides to hold a public hearing, it shall hold the hearing within 30 days (or at the next regularly-scheduled board meeting) after issuance of a receipt for the submittal of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. The Board shall notify the applicant and abutters by certified mail, return receipt requested, at least 14 days prior to the public hearing of the date, time, and place of the scheduled public hearing. The Board shall include copies of such notification, certified mail receipts, and copies of all returned receipts as a part of the record, prior to beginning the review.

6.2.H. Within 30 days of a public hearing or within 60 days of receipt of a complete Final Plan application, if no hearing is held, or within another time limit as may be mutually agreed to by the Board and the applicant, the Board shall make Findings of Fact and Conclusions relative to the criteria contained Title 30-A M.R.S.A., Section 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 on the Final Plan application, they shall approve or approve with conditions, 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 deny the application to ensure that all the criteria and standards will be met by the Subdivision. The reasons for any denial or conditions shall be stated in the records of the Board. The Findings of Fact will provide a summary of all basic facts involved in the application (including but not limited to the results of a review of Article I – Purposes. The Board shall also review Article X – General Standards and Article XI – Street and Storm Drainage Design and Construction Standards). The Conclusions of Law will state clearly how each of the standards and criteria of these regulations have or have not been met by the applicant.

6.2.I. Final Approval and Filing.

6.2.I.(1). No Plan shall be approved by the Planning Board while the applicant is in violation of the provisions of a previously approved Plan.

6.2.I.(2). Any conditions of approval (including waivers) shall be listed on the Plan itself, not as separate notes to the Plan.

6.2.I.(3). Upon findings of fact and conclusions of law determining that all criteria in Title 30-A, MRSA §4404 and the standards in 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 Facts and Conclusions of law including 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 is to be filed with the Tax Assessor. One copy of the signed Plan shall be forwarded to the CEO. One copy is to be filed by the applicant at the Registry of Deeds. The applicant shall forward a copy of the recording receipt and 2 copies of the recorded Plan to the Planning Board to be filed with the permanent record. Any subdivision not recorded in the Registry of Deeds within 90 days of the date on which the Plan is approved and signed by the Board shall become null and void.

6.2.I.(4). 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 to insure the orderly development of the Plan.

6.2.I.(5). No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 9.1.C. The Board shall make findings that the revised Plan meets the criteria of Title 30-A, MRSA §4404 and 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. In order for a revised plan to be considered compliant, approval must be given by the Board and endorsed in writing and then recorded at the Registry of Deeds.

6.2.I.(6). 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.

6.2.I.(7). Failure to complete substantial construction of the subdivision within two (2) years of the date of approval 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.

6.3. Submissions.

6.3.A. The Final Plan for a Minor Subdivision shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two 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 thereon for endorsement by the Board. Five reproducible originals (one to be recorded at the Registry of Deeds and one to be filed at the Municipal Offices of the Final Plan) shall be submitted. In addition, one copy each of the Final Plan (reduced to a size of 8½ by 11 inches or 11 by 17 inches) and all accompanying information shall be mailed to the Code Enforcement Officer, to each Board member, and to the Town office to be made available for review by the public no fewer than 14 days prior to the meeting. A copy of the complete package shall also be sent by email to the Board secretary no fewer than 14 days prior to the meeting.

6.3.B. The application for approval of a Minor Subdivision shall include or be accompanied by the following information:

6.3.B.(1). 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:

- Existing subdivisions in the proximity of the proposed subdivision.
- Locations and names of existing and proposed streets.
- Boundaries and designations of zoning districts.
- Names and addresses of owners of record of adjacent property as identified from the current Town of Sweden Property Tax Assessor's maps and database including property directly across an existing public street or stream from the proposed subdivision.

- 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.

6.3.B.(2). Verification of right, title, or interest in the property.

- A copy of the most recently recorded deed for the parcel.
- A copy of the deed on which the survey was based. A copy of any covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- An outline of the proposed subdivision and any remaining portion of the owner’s property if the Final Plan submitted covers only a portion of the owner’s entire contiguous holding.

6.3.C. Final Plan Basic and identifying information to include:

6.3.C.(1). Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor’s Map and Lot numbers.

6.3.C.(2). The date the Plan was prepared; magnetic and true north point; geographic scale; and names and addresses of the record owner, subdivider, and individual or company who prepared the Plan.

6.3.C.(3). Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.

6.3.C.(4). Number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24” in diameter at breast height shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing of existing vegetation.

6.3.C.(5). A copy of any covenants or deed restrictions, rights-of-way or other encumbrances intended to cover all or part of the lots in the proposed subdivision. Such restrictions shall be noted on the Plan.

6.3.C.(6). The location and size of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.

6.3.C.(7). A stormwater management plan prepared by a registered professional engineer.

6.3.C.(8). A high intensity soil survey by a Registered Soil Scientist. Wetland areas shall be identified on the survey, regardless of size. A copy of the portion of the

county Soil Survey covering the proposed subdivision.

6.3.C.(9). A copy of that portion of the county Soil Survey covering the proposed subdivision. When the medium intensity soil survey shows soils generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

6.3.C.(10). The location of all rivers, streams, and brooks within or adjacent to the proposed subdivision. If the proposed subdivision is in the direct watershed of a pond, the application shall indicate so.

6.3.C.(11). The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks, and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established and shall be certified by a registered land surveyor.

6.3.C.(12). The width and location of any streets, public improvements or open space shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.

6.3.C.(13). The location of any open space to be preserved and a description of proposed improvements and its management.

6.3.C.(14). All parcels of land proposed to be dedicated to public use and the conditions of such dedication. 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 open space 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.

6.3.C.(15). The boundaries of any flood hazard areas as depicted on the Municipality's Flood Insurance Rate Map and the 100-year flood elevation, shall be delineated on the plan.

6.3.C.(16). A soil erosion and sedimentation control plan prepared in accordance with the Maine Erosion and sediment Control Best Management Practice.

6.3.C.(17). An indication of the type of sewage disposal to be used in the proposed subdivision. When sewage disposal is to be accomplished by subsurface waste-water disposal systems, 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.

6.3.C.(18). An indication of the type of water supply system(s) to be used in the

proposed subdivision. When water is to be supplied by private wells, evidence of adequate groundwater supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

6.3.C.(19). A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and;

6.3.C.(19).a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on the following maps for Sweden:

- North Waterford: Neil, Craig D. (Compiler), and Locke, Daniel B. (Mapper), 1998, Significant sand and gravel aquifers in the North Waterford quadrangle, Maine: Maine Geological Survey, Open-File Map 98-207, map, scale 1:24,000.
- Waterford Flat: Neil, Craig D. (Compiler), and Locke, Daniel B. (Mapper), 1998, Significant sand and gravel aquifers in the Waterford Flat quadrangle, Maine: Maine Geological Survey, Open-File Map 98-214, map, scale 1:24,000.
- Bridgton: Neil, Craig D. (Compiler), and Locke, Daniel B. (Mapper), 1998, Significant sand and gravel aquifers in the Bridgton quadrangle, Maine: Maine Geological Survey, Open-File Map 98-150, map, scale 1:24,000.
- Pleasant Mountain: Neil, Craig D. (Compiler), and Locke, Daniel B. (Mapper), 1998, Significant sand and gravel aquifers in the Pleasant Mountain quadrangle, Maine: Maine Geological Survey, Open-File Map 98-194, map, scale 1:24,000.
- Fryeburg: Neil, Craig D. (Compiler), and Locke, Daniel B. (Mapper), 1998, Significant sand and gravel aquifers in the Fryeburg quadrangle, Maine: Maine Geological Survey, Open-File Map 98-193, map, scale 1:24,000.
- Center Lovell: Neil, Craig D. (Compiler), and Locke, Daniel B. (Mapper), 1998, Significant sand and gravel aquifers in the Center Lovell quadrangle, Maine: Maine Geological Survey, Open-File Map 98-206, map, scale 1:24,000.

6.3.C.(19).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; and proposed use of shared or common subsurface wastewater disposal systems. The hydrogeologic assessment shall

be conducted in accordance with the provisions of Section 10.12.A. below.

6.3.C.(20). If the proposed subdivision is in the direct watershed of a Pond, a phosphorus control plan shall be submitted, including:

6.3.C.(20).a. 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, September, 1992 revisions. (amended June, 2002)

6.3.C.(20).b. A long-term maintenance plan for all phosphorus control measures.

6.3.C.(20).c. The contour lines shown on the plan shall be at an interval of no less than five feet.

6.3.C.(20).d. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

6.3.C.(21). If the owner of the parcel to be subdivided has owned the parcel for less than five years, a narrative describing any timber harvesting operations since the owner obtained the parcel. A copy of the Forest Operations Notification and a written determination of the harvest's compliance with Maine Forest Service's Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting certified by a licensed forester shall be submitted.

6.3.C.(22). The Board may further require the applicant to provide a summary detailing the impact of the proposed subdivision on existing town facilities and services, the need for expanding those facilities and services, and all potential costs to the town.

ARTICLE VII - PRELIMINARY PLAN FOR MAJOR SUBDIVISIONS

7.1. Procedure.

7.1.A. Within six months after the on-site inspection by the Board, the applicant shall file an application for approval of a Preliminary Plan for Major Subdivision. If the application for the Preliminary Plan is not submitted within six months after the on-site inspection by the Board, the Board may refuse, without prejudice, to act on the Final Plan, and require a repeat of the Preapplication process. The Preliminary Plan shall reflect the layout shown on the Preapplication Sketch Plan and address changes or additions as recommended by the Board during the Preapplication process.

The applicant shall request to be placed on the Board's agenda at least 14 days in

advance of a regularly scheduled Planning Board meeting by contacting the Chair of the Board. The Board Chair shall confirm the date of the next meeting and placement of the applicant on the agenda prior to the applicant sending notification to abutters.

7.1.B. One copy of the Preliminary Plan (reduced to a size of 8½ by 11 inches or 11 by 17 inches) and all accompanying information shall be mailed to the Code Enforcement Officer, to each Board member and to the Town office to be made available for review by the public no fewer than 14 days prior to the meeting. A copy of the complete package shall also be sent by email to the Board secretary. each Board member no fewer than 14 days prior to the meeting.

7.1.C. The applicant shall notify abutters by certified mail, return receipt requested, at least 14 days prior to the scheduled meeting that an application for approval of a Preliminary Plan has been submitted specifying the location of the proposed subdivision and including a general description of the project. The notice shall also notify abutters of the date, time, and place of the scheduled meeting at which the Preliminary Plan is to be presented and discussed. Abutters are identified from the current Town of Sweden Property Tax Assessor's maps and database. The Board shall be provided with copies of such notification, certified mail receipts, and copies of all returned receipts prior to beginning the review.

7.1.D. All applications for Preliminary Plan approval for Major Subdivision shall be accompanied by a non-refundable application fee in accordance with the Town of Sweden Fee Schedule, payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification. To ensure that new development addresses and minimizes community impacts, the applicant shall be aware that any costs for review by others deemed necessary by the Board shall be borne by the applicant. Such costs may include those for independent consulting services such as:

- A planner to review the proposed subdivision layout and the subdivision standards.
- An attorney to review performance guarantees and/or other documents.
- An engineer to review plans for new roads and the management of stormwater and drainage.
- An inspector to conduct periodic inspections during infrastructure construction.
- A hydrogeologist to identify groundwater impacts.

7.1.E. The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan. The applicant shall provide the Board with a signed letter, authorizing any representatives that appear before the Board.

7.1.F. Within thirty days of the meeting of the Board to discuss the Preliminary Plan, the Board shall notify the applicant in writing if the application is complete, or, if not, what

additional submissions are required for a complete application.

7.1.G. Upon determination of the completeness of the Preliminary Plan application, the Board may decide a public hearing is necessary prior to making findings of fact on the application. If the Board decides to hold a public hearing, it shall hold the hearing within 30 days (or at the next regularly-scheduled board meeting) after issuance of a receipt for the submittal of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. The Board shall notify the applicant and abutters by certified mail, return receipt requested, at least 14 days prior to the public hearing of the date, time, and place of the scheduled public hearing. The Board shall include copies of such notification, certified mail receipts, and copies of all returned receipts as a part of the record, prior to beginning the review.

Within 30 days of a public hearing, or within 60 days of receipt of a complete Preliminary Plan application, if no hearing is held, or within another time limit as may be mutually agreed to by the Board and the applicant, the Board shall make Findings of Fact and Conclusions relative to the criteria contained Title 30-A M.R.S.A., Section 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 or approve with conditions, the Preliminary 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 deny the application to ensure that all of the criteria and standards will be met by the Subdivision. The reasons for any denial or conditions shall be stated in the records of the Board. The Findings of Fact will provide a summary of all basic facts involved in the application (including but not limited to the results of a review of Article I – Purposes. The Board shall also review Article X – General Standards and Article XI – Street and Storm Drainage Design and Construction Standards. The Conclusions of Law will state clearly how each of the standards and criteria of these regulations have or have not been met by the applicant.

7.1.H. The Board shall specify in writing its Findings of Facts and Conclusions, and reasons for any conditions or denial.

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

7.1.I.(1) Specific changes required to be incorporated into the Final Plan;

7.1.I.(2) The character and extent of the required improvements for which waivers may have been requested by the applicant and which the Board finds may be waived without jeopardy to public health, safety, and general welfare (see Article XIII); and

7.1.I.(3) A complete list of the construction items and specific improvements for which cost estimates and performance guarantees will be required as prerequisite to the approval of the Final Plan.

7.1.J. 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 (Article VIII). The Final Plan shall be submitted for approval of 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 additional changes as a result of the further study of the proposed subdivision or as a result of new information received.

7.2 Submissions. The Preliminary Plan Application shall include the following information:

7.2.A. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn to a scale adequate to show the relationship of the proposed subdivision to the adjacent properties and allow the Board to locate the subdivision within the municipality. The Location Map shall show:

7.2.A.(1). Existing subdivisions in the proximity of the proposed subdivision.

7.2.A.(2). Locations and names of existing and proposed streets.

7.2.A.(3). Designations of zoning districts in which the proposed subdivision is located and location of any zoning district boundaries affecting the subdivision.

7.2.A.(4). Delineation of wetlands accompanied by a high-intensity soil survey if wetlands are present.

7.2.A.(5). The location of all rivers, streams and brooks within or adjacent to the proposed subdivision.

7.2.A.(6). 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 Fishing and Wildlife (DIFW) or within the Comprehensive Plan.

7.2.A.(7). 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.

7.2.B. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings 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. Maps or drawings for proposed subdivision containing 75 acres or more may be drawn at a scale of not greater than 200 feet to the inch provided all necessary detail can easily be read. One copy of the Preliminary Plan, reduced to a size of 8½ by 11 inches, shall be mailed to each Board member no fewer than 14 days prior to the meeting. The application for Preliminary Plan approval shall include the following information. The Board may require additional information to be submitted where it necessary.

7.2.B.(1) Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers.

7.2.B.(2). Verification of right, title or interest in the property.

7.2.B.(3). The date the Plan was prepared; magnetic and true north point; geographic scale; and names and addresses of the record owner, subdivider, and individual or company who prepared the Plan.

7.2.B.(4). Names and addresses of owners of record of adjacent property as identified from the current Town of Sweden Property Tax Assessor's maps and database including property directly across an existing public street or stream from the proposed subdivision.

7.2.B.(5). 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. The Plan shall indicate the type of monument set or found at each lot corner.

7.2.B.(6). Contour lines shown at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.

7.2.B.(7). The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the Plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted.

7.2.B.(8). A copy of the most recently recorded deed for the parcel.

7.2.B.(9). A copy of the deed on which the survey was based. A copy of any covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

7.2.B.(10). A copy of any covenants or deed restrictions, rights-of-way or other encumbrances intended to cover all or part of the lots in the proposed subdivision. Such restrictions shall be noted on the Plan.

7.2.B.(11). The location of any zoning boundaries affecting the proposed subdivision.

7.2.B.(12). The location and size of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.

7.2.B.(13). The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the proposed subdivision.

7.2.B.(14). The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the proposed subdivision.

7.2.B.(15). The proposed lot lines with approximate dimensions and lot areas.

7.2.B.(16). All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

7.2.B.(17). The location of any open space to be preserved and an indication of future plans for improvement and management of this space.

7.2.B.(18). The boundaries of any flood hazard areas as depicted on the Municipality's Flood Insurance Rate Map and the 100-year flood elevation, shall be delineated on the plan.

7.2.B.(19). A soil erosion and sedimentation control plan endorsed by the County Soil and Water Conservation District.

7.2.B.(20). An indication of the type of sewage disposal to be used in the proposed subdivision. When sewage disposal is to be accomplished by subsurface waste-water disposal systems, 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.

7.2.B.(21). An indication of the type of water supply system(s) to be used in the proposed subdivision.

7.2.B.(22). A plan for the disposal of surface drainage waters, prepared by a Registered Professional Engineer.

7.2.B.(23). A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and any part of the subdivision is located over a sand and gravel aquifer or has an average density of more than one dwelling unit per 100,000 square feet.

7.2.B.(24). A copy of that portion of the county Soil Survey covering the proposed subdivision. When the medium intensity soil survey shows soils generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

7.2.B.(25). If the owner of the parcel to be subdivided has owned the parcel for less than five years, a narrative describing any timber harvesting operations since the owner obtained the parcel. A copy of the Forest Operations Notification and a written determination of the harvest's compliance with Maine Forest Services Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting certified by a

licensed forester shall be submitted.

7.2.B.(26). The following Articles shall be considered when developing the Plan:

- Article I – Purposes
- Article X – General Standards
- Article XI – Street and Storm Drainage Design and Construction Standards

ARTICLE VIII - FINAL PLAN FOR MAJOR SUBDIVISION

8.1. Procedure.

8.1.A. Within six months after the approval of the Preliminary Plan, the applicant will file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within six months after the Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. The Final Plan shall reflect the layout shown on the Preliminary Plan, and address changes or additions as recommended by the Board during the review of the Preliminary Plan.

The applicant shall request to be placed on the Board's agenda at least 21 days in advance of a regularly scheduled Planning Board meeting by contacting the Chair of the Board. The Board Chair shall confirm the date of the next meeting and placement of the applicant on the agenda prior to the applicant sending notification to abutters.

8.1.B. One copy of the Final Plan (reduced to a size of 8½ by 11 inches or 11 by 17 inches) and all accompanying information shall be mailed to the Code Enforcement Officer, to each Board member and to the Town office to be made available for review by the public no fewer than 14 days prior to the meeting. A copy of the complete package shall also be sent by email to the Board secretary. each Board member no fewer than 14 days prior to the meeting.

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

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Alteration of Streams and Rivers Act.
2. Maine Department of Environmental Protection Permit if a Stormwater Management Permit, Construction General Permit, or Wastewater Discharge License is needed.

3. Maine Department of Environmental Protection under the Natural Resources Protection Act.
4. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
5. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.
6. U.S Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
7. Maine Department of Transportation if a Traffic Movement Permit or a highway entrance permit is required.

8.1.D. All applications for Final Plan approval for a major subdivision shall be accompanied by a non-refundable application fee in accordance with the Town of Sweden Fee Schedule payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification. To ensure that new development addresses and minimizes community impacts, the applicant shall be aware that any costs for review by others deemed necessary by the Board shall be borne by the applicant. Such costs may include those for independent consulting services such as:

- A planner to review the proposed subdivision layout and the subdivision standards.
- An attorney to review performance guarantees and/or other documents.
- An engineer to review plans for new roads and the management of stormwater and drainage.
- An inspector to conduct periodic inspections during infrastructure construction.
- A hydrogeologist to identify groundwater impacts.

8.1.E. The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan. The applicant shall provide the Board with a signed letter, authorizing any representatives that appear before the Board.

8.1.F. Within 30 days of the meeting of the Board to discuss the Final Plan, the Board shall notify the applicant in writing if the application is complete, or, if not, what additional submissions are required for a complete application.

Upon determination that the Final Plan application submitted for review is complete, the Board shall issue a dated receipt to the applicant.

8.1.G. Upon determination of the completeness of the Final Plan Application, the Board may decide that a public hearing is necessary prior to making Findings of Fact and

Conclusions of law on the application. If the Board decides to hold a public hearing, it shall hold the hearing within 30 days (or at the next regularly-scheduled board meeting) after the issuance of a receipt for the submittal of a complete application and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days before the hearing. The notice of the hearing shall be posted in a conspicuous public place at least seven days prior to the hearing.

The Board shall notify the applicant and abutters by certified mail, return receipt requested; at least 14 days prior to the public hearing of the date, time, and place of the scheduled public hearing. The Board shall include copies of such notification, certified mail receipts, and copies of all returned receipts as a part of the record, prior to beginning the review.

8.1.H. The Board shall notify the Road Commissioner, Road Advisory Committee, and Fire Chief in writing of the proposed subdivision, including at a minimum the number of dwelling units proposed and the length of roadways; requesting input on the adequacy of existing facilities to service the proposed subdivision. The Sweden Conservation Committee and Sweden Historical Society shall also be notified.

8.1.I. When a proposed subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

8.1.J. Before the Board grants approval of the Final Plan, the applicant shall meet the performance guarantee requirements contained in Article XII.

8.1.K. If the proposed subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.

8.1.L. Within 30 days of a public hearing, or within 60 days of receipt of a complete application if no hearing is held, or within another time as may be mutually agreed to by the Board and the applicant, the Board shall make Findings of Fact and Conclusions of Law on the Final Plan. Findings of fact and conclusions will be made relative to the criteria contained in Title 30-A, MRSA §4404 and the standards in these regulations. Findings of Fact include a summary of all basic facts involved in the application and Conclusions of Law are statements linking the specific facts covered in the Findings of Fact to the criteria in the regulations including, but not limited to, Article I – Purposes. The Board shall also review Article X – General Standards and Article XI – Street and Storm Drainage Design and Construction Standards. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute 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.

8.2. Submissions.

8.2.A. The Final Plan for a Major Subdivision shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can be easily 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 thereon for endorsement by the Board. Five reproducible, originals (one to be recorded at the registry of Deeds, one to be filed at the Municipal Offices) of the Final Plan shall be submitted. In addition, one copy of the Final Plan (reduced to a size of 8½ by 11 inches or 11 by 17 inches) and all accompanying information shall be mailed to each Board member no fewer than 14 days prior to the meeting.

One copy of the Final Plan (reduced to a size of 8½ by 11 inches or 11 by 17 inches) and all accompanying information shall be mailed to the Code Enforcement Officer, to each Board member and to the Town office to be made available for review by the public no fewer than 14 days prior to the meeting. A copy of the complete package shall also be sent by email to the Board secretary.

8.2.B. The Final Plan shall include or be accompanied by the following information.

8.2.B.(1). Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and lot numbers.

8.2.B.(2). The date the Plan was prepared; magnetic and true north point; geographic map scale; and names and addresses of the record owner, subdivider, and individual or company who prepared the Plan.

8.2.B.(3). The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the Plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted.

8.2.B.(4). If different than those submitted with the Preliminary Plan, a copy of any covenants or deed restrictions, rights-of-way, or other encumbrances intended to cover all or part of the lots or dwellings in the proposed subdivision. Such restrictions shall be noted on the plan.

8.2.B.(5). The location of any zoning boundaries affecting the proposed subdivision.

8.2.B.(6). The location and size of existing culverts, and drainage ways on or adjacent to the property to be subdivided.

8.2.B.(7). A stormwater management plan prepared by a registered professional engineer.

8.2.B.(8). The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the proposed 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.

8.2.B.(9). The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the proposed subdivision.

8.2.B.(10). The location of any open space to be preserved and an indication of future plans for improvement and management of this space.

8.2.B.(11). 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, including an executed warranty deed transferring such property upon acceptance by the Town. If 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 of to convey title shall be included.

8.2.B.(12). The boundaries of any flood hazard areas as depicted on the Municipality's Flood Insurance Rate Map and the 100-year flood elevation, shall be delineated on the plan.

8.2.B.(13). An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Best Management Practices.

8.2.B.(14). Indication of the type of sewage disposal to be used in the proposed subdivision.

8.2.B.(15). An indication of the type of water supply system(s) to be used in the proposed subdivision.

8.2.B.(15).a. A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.

8.2.B.(15). b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller or a hydrogeologist familiar with the area.

8.2.B.(16). A list of construction items with cost estimates that will be completed by

the developer prior to the sale of lots, and evidence that the subdivider has financial commitments or resources to cover these costs. A list of construction and maintenance items with both capital and annual operating cost estimates, that must be borne by the municipality shall be submitted. These lists shall include, but not be limited to, such items as solid waste disposal, drainage ways, storm sewers, and streets recreation facilities, police and fire protection, schools, including bussing. The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

8.2.B.(17). A summary detailing the impact on existing town facilities and services, the need for expanding these facilities and services, and all potential costs to the town.

The following Articles shall be considered when developing the Plan:

- Article I – Purposes
- Article X – General Standards
- Article XI – Street and Storm Drainage Design and Construction Standards

8.3. Final Approval and Filing.

8.3.A. No Plan shall be approved by the Planning Board as long as the applicant is in violation of the provisions of a previously approved Plan.

8.3.B. Any conditions of approval (including waivers) shall be listed on the Plan—not as separate Notes to the Plan.

8.3.C. Upon findings of fact and conclusions of law determining that all criteria in Title 30-A, MRSA §4404 and the standards in 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 Facts and Conclusions of law including 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 is to be filed with the Tax Assessor. One copy of the signed Plan shall be forwarded to the CEO.

One copy is to be filed by the applicant at the Registry of Deeds. The applicant shall forward a copy of the recording receipt and 2 copies of the recorded Plan to the Planning Board to be filed with the permanent record. **Any subdivision not recorded in the Registry of Deeds within 90 days of the date on which the Plan is approved and signed by the Board shall become null and void.**

8.3.D. 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 to ensure the orderly development of the Plan.

8.3.E. No changes, erasures, modifications, or revisions shall be made in any Final Plan

after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 9. 1 .C. The Board shall make findings that the revised Plan meets the criteria of Title 30-A, MRSA §4404 and 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. In order for a revised plan to be considered compliant, approval must be given by the Board and endorsed in writing and then recorded at the Registry of Deeds.

8.3.F. 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.

8.3.G. Failure to complete substantial construction of the subdivision within two (2) years of the date of approval 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 IX – INSPECTIONS AND ENFORCEMENT

9.1. Inspection of Required Improvements.

9.1.A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Municipal Officers and the CEO in writing of the time proposed for commencement of construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

9.1.B. A check for the amount of 3% of the estimated costs of construction and required improvements to pay for the costs of inspection shall be deposited with the Municipal Officers. If, on satisfactory completion of construction and cleanup, there are funds remaining, the surplus funds shall be refunded to the applicant as appropriate. If the inspection account is drawn down by 75%, the applicant shall deposit an additional 1% of the estimated costs of construction and required improvements.

9.1.C. If the inspecting official finds upon inspection of the improvements, that any

of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

9.1.D. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden 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 to modify the Plans from the Board.

9.1.E. Between November 1 and November 15th the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was performed at the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job for which they were designed. The report shall also include a discussion and recommendations on any problems encountered.

9.1.F. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monuments shown on the Plan have been installed.

9.1.G. 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.

9.1.H. The subdivider, builder, or homeowners' association shall be required to maintain all improvements and provide for snow removal on streets and sidewalks.

9.2. Violations and Enforcement.

9.2.A. No plan of a division of land within the municipality that constitutes 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.

9.2.B. No person, firm, corporation or other legal entity may convey, offer, or agree to convey any land in a subdivision that has not been approved by the Board and recorded in the Registry of Deeds.

9.2.C. No person, firm, corporation or other legal entity may convey, offer, or agree to convey any land in an approved subdivision that is not shown on the Final Plan as a separate lot.

9.2.D. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

9.2.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 that require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.

9.2.F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the required improvements, including, fire suppression facilities, stormwater management and 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. For the purposes of this subsection, a street shall be considered complete when all work has been accomplished according to the approved plan except for the placement of the surface course of pavement (if the road is to be paved).

9.2.G. Violations of the above provisions for this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A, Section 4452. The Municipality may institute proceedings to enjoin the violation of this section and may collect attorneys' fees and court costs if they are the prevailing party.

9.2.H. Establishment of Association and Recording of Deeds.

9.2.H.(1). If the approval of a subdivision is based in part on the creation of a lot owners association, the applicant or developer shall, within 30 days of final approval, establish the association by filing the articles of incorporation and bylaws for the association with the office of the Secretary of State. Evidence of such filing shall be submitted to the Board with 60 days of final approval.

9.2.H.(2). If the approval of a subdivision is based in part on the creation of a lot owners association, and the plan indicates that common land, open space, streets or other common facilities are to be owned by the association, the applicant or developer shall record a deed transferring ownership to the association within 45 days of final approval. A copy of the recorded deed shall be submitted to the Board with 60 days of final approval

ARTICLE X - PERFORMANCE STANDARDS

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the Subdivision Statute (30-A M.R.S.A., §4404) and within Sweden's Zoning and Land Use Ordinance Zone Requirements for major and minor subdivisions in a Rural Preservation Zone. 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.

10.1. Pollution.

10.1.A. The proposed subdivision shall not discharge wastewater into a water body without a license from the Maine Department of Environmental Protection.

10.1.B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the subdivision is within the watershed of a pond, the storm water shall be treated to remove excess nutrients.

10.2. Sufficient Water.

10.2.A. Water Supply.

10.2.A.(1). When the location of a subdivision does not allow for a financially reasonable connection to a public water supply system, the Planning Board may allow the use of individual wells or a private community water system.

10.2.A.(1).a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.

10.2.A.(1).b. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules.

10.2.A.(1).c. If a central water supply system is provided by the subdivider, the location and protection of the source, the design, construction and operation of the system and shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231). The Comprehensive Planning Committee shall be notified by the Board of the location of a proposed community water supply.

10.2.A.(2). Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.

10.2.A.(3). 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.

10.2.B. All subdivisions shall provide fire protection measures in conformance with applicable portions of Sweden's Zoning and Land Use Ordinance. The Board shall require that whenever a fire pond is required, it shall be reviewed by the Fire Chief.

10.2.B.(1). The subdivider shall provide a written statement that adequate water for fire-fighting purposes can be provided without placing an undue burden on the source involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision. The size and location of hydrants and service connections shall be reviewed and approved in writing by the Fire Chief.

Details regarding connections required by the Fire Chief will be outlined in this letter. The subdivider shall construct ponds, dry hydrants, and/or water storage tanks to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to the ponds, dry hydrants, and/or water storage tanks where necessary.

10.2.B.(2). The subdivider or homeowner's association shall be responsible for construction of water storage tanks for firefighting purposes and the initial filling of such tanks. Subsequent filling of the tanks shall be the responsibility of the subdivider or homeowner's association when the water has been used within the subdivision. If the water has been used outside the subdivision, the town will be responsible for refilling the tanks.

10.3. Impact on Municipal Water Supplies. - N/A

10.4. Soil Erosion.

10.4.A. The proposed subdivision shall prevent soil erosion from entering water bodies, freshwater wetlands, and adjacent properties.

10.4.B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

10.4.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.D. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

10.4.E. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a waterbody, and extending 100 feet inland from all points along the normal high-water mark, shall be limited in accordance with the following:

- Within 100 feet, horizontal distance of the normal high-water line of a great pond or a river flowing to a great pond and within 75 feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no cleared openings created greater than 250 square feet in area and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

10.5. Traffic Conditions 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 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.

10.6. Sewage Disposal. The proposed subdivision will provide for adequate sewage waste disposal.

10.6.A. Sewage disposal shall be private subsurface wastewater disposal systems or a private treatment facility with surface discharge.

10.6.B. 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.

10.6.B.(1). 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.

10.6.B.(2). In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

10.7. Impact on Municipalities' Ability to Dispose of Solid Waste. The proposed subdivision will not cause an unreasonable burden on the municipalities' ability to dispose of solid waste, if municipal services are to be utilized.

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.

10.8. Impact On Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas Or Public Access To The Shoreline.

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

10.8.B. The subdivision shall be designed to minimize the visibility of buildings from existing public roads.

10.8.C. The Board shall require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided to a maximum extent to retain a natural wind buffer.

10.8.D. When a proposed subdivision street traverses open fields, the plans shall include the planting of street trees.

10.9. 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.

10.10. Financial and Technical Capacity.

10.10.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.

10.10.B. Technical Ability

10.10.B.(1). The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

10.10.B.(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.

10.11. 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.

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.

10.12 Impact On Ground Water Quality Or Quantity.

10.12.A. Ground Water Quality

10.12.A.(1). When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

10.12.A.(1).a. A map showing the basic soils types.

10.12.A.(1).b. The depth to the water table at representative points throughout the subdivision.

10.12.A.(1).c. Drainage conditions throughout the subdivision.

10.12.A.(1).d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

10.12.A.(1).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, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance.

10.12.A.(1).f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries

10.12.A.(2). Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

10.12.A.(3). No subdivision with a residential density of greater than one dwelling unit per two acres shall increase any contaminant concentration in the ground water to more than the Primary Drinking Water Standards. No subdivision with a residential density of one dwelling unit per two acres or less shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. In addition, the standards of Section 6.5.A.3 of the Land Use Ordinance shall be met if the subdivision is within the Aquifer Protection Overlay District. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

10.12.A.(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.

10.12.A.(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.

10.12.A.(6). Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells 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.

10.12.B. Ground Water Quantity.

10.12.B.(1). Ground water withdrawals by a proposed subdivision shall not lower the

water table beyond the boundaries of the subdivision.

10.12.B.(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.

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

10.13.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.

10.13.B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

10.13.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.

10.14. Identification Of Freshwater Wetlands. All freshwater wetlands within the proposed subdivision shall be 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.

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

10.15. River, Stream or Brook. And river stream or brook within or abutting the proposed subdivision shall be 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.

10.16. Storm Water Management.

10.16.A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through management system of swales, culverts, underdrains, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains, except where retention basins are designed, or ground water recharge is desirable.

10.16.B. Where a subdivision is traversed by a stream, river, or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. 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.

10.16.C. All components of the storm water management system shall be designed to limit peak discharge rates to predevelopment levels for the 2-year, 10-year and the 25-year frequency, 24-hour duration storms, based on rainfall data for Portland, Maine. When the subdivision discharges directly to a major water body, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized.

10.16.D. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials which reduce water velocity.

10.17. Spaghetti-Lots Prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.

10.18. Lake Phosphorous 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.

10.18.A. Maintenance and Use Restrictions for Phosphorus Control Measures Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

10.18.A.(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 owner's association shall include the following standards.

10.18.A.(1).a. Wooded Buffers Maintenance provisions for wooded buffers shall provide for either of the following two options.

10.18.A.(1).a.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 a Pond or a tributary, or which are located on slopes over 20% shall include the following.

10.18.A.(1).a.1.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.

10.18.A.(1).a.1.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 pond or tributary and shall remain stabilized.

10.18.A.(1).a.1.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.

10.18.A.(1).a.1.D. No cutting is allowed of trees except for normal maintenance of dead, windblown, or damaged trees.

10.18.A.(1).a.1.E. Buffers shall not be used for all-terrain vehicle or vehicular traffic

10.18.A.(2). Limited Disturbance Maintenance and use provisions for other buffer strips may include the following:

10.18.A.(2).a. There shall be no cleared openings and an evenly distributed stand of trees and other vegetation shall be maintained.

10.18.A.(2).b. Activity within the buffer shall be conducted so as 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.

10.18.A.(2).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 pond or a tributary. The path must remain stabilized.

10.18.A.(2).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.

10.18.A.(2).e. Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening being created, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.

10.18.A.(2).f. Buffers shall not be used for all terrain vehicle or vehicular traffic.

10.18.B. Non-Wooded Buffers.

10.18.B.(1). Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.

10.18.B.(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 grass, other herbaceous species, shrubs and trees.

10.18.B.(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.

10.18.B.(4). Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

10.18.C. 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 D.E.P., revised May 1990*. Requirements for maintenance shall be included within 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.

10.18.D. 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 D.E.P., revised May 1990.*

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

10.19. 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

10.20. Compliance with Timber Harvesting Standards. Timber on the parcel shall not have been harvested in violation of the Maine Forest Service's Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting ([http://www.state.me.us/doc/mfs/fpm/liq/docs/final/final liquidation.pdf](http://www.state.me.us/doc/mfs/fpm/liq/docs/final/final%20liquidation.pdf)) within the five-year period preceding the submission of the application for subdivision approval. If a violation of these rules has occurred, the applicant shall submit evidence that 5 years have elapsed since the date the landowner under whose ownership the harvest occurred acquired the parcel.

10.21. Cluster Developments.

10.21.A. Purpose. The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the Zoning District

in which the development is proposed.

10.21.B. Basic Requirements.

10.21.B.(1). Cluster developments shall meet all requirements for a subdivision, including the road acceptance standards and all other applicable town ordinances.

10.21.B.(2). In subdivisions of 10 acres or more, house lots and access roads shall not cover more than 50% of the parcel's net buildable area. Unbuildable areas such as wetlands, existing roadways, designated natural resource protection areas, water bodies, streams and floodplains are excluded from this calculation.

10.21.B.(3). Minimum lot size, road frontage, and roadway centerline setback in specific zones may be modified downward upon adoption of a cluster subdivision as approved by the Planning Board.

10.21.B.(4). Where cluster developments abut a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be included in the common land. In such instances, performance standards for "Shorefront Common Areas" must be met. In no case shall shore frontage be reduced below the minimum shore frontage normally required in the Zone.

10.21.B.(5). Unless specifically approved by the Planning Board as compatible with the surrounding rural character of the area, all cluster plans shall consist of only detached, single family homes, each set on its own individual lot. If multi-family dwellings are approved, no more than five units per building structure are permitted.

10.21.B.(6). Natural buffer strips of at least 100 feet shall be permanently deeded and maintained between the clustered housing area and abutting properties, as well as along the public roadway frontage abutting, or contained within, the subdivision. Where practical, the buffer strip will be maintained in the same way as the open space that is designated in the covenants.

10.21.B.(7). Common open space shall be dedicated upon approval of the project as a separate lot of record. There shall be no further subdivision of this land, which shall be used only for non-commercial recreation, agriculture, or conservation. However, easements for public utilities, or structures accessory to non-commercial recreation, agriculture or conservation may be permitted.

10.21.B.(8). The common open space shall be shown on the development plan and with appropriate notation on the face thereof to indicate that the common space shall not be used as future building lots.

10.21.B.(9). All common open space for recreational or conservation purposes shall be:

- a. Owned jointly or in common by the owners of the building lots; or

- b. Owned by a trust or association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
- c. Owned by the Municipality for control and access.

In each of the above, appropriate deeds, trust easements, covenants, or other legal instruments necessary to define the ownership and control of, and responsibility for, the common open space must be presented to and approved by the Planning Board.

10.21.B.(10). Unless it can be proven to the satisfaction of the Planning Board that each lot of the cluster development can support an individual water supply system and an individual septic system, a common water supply and distribution system and a centralized waste disposal collection and treatment system will be required, at no expense to the Municipality, and in accordance with the sanitary provisions of this Regulation.

10.21.B.(11). Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas in accordance with an overall plan for site development.

10.21.B.(12). Where the subdivision abuts or contains an existing or proposed public roadway, no residential lot may have vehicular access directly onto the public roadway. A common entrance/exit access road(s) will be provided for all lots.

10.21.B.(13). Utilities must be installed underground wherever possible. Transformer boxes, pumping stations, and meters must be located so as not to be unsightly or hazardous to the public.

10.22. Dedication and Maintenance of Common Open Space and Services.

10.22.A. All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowner's association, by an association that has as its principal purpose the conservation or preservation of land in its natural condition, or by the municipality.

10.22.B. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.

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

- 10.22.C.(1).** It shall not be used for future building lots; and

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

10.22.C.(2).a. If any or all of the common open space and services are to be reserved for use by the residents, the by-laws of the proposed neighborhood association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

10.22.C.(2).b. Covenants for mandatory membership in the neighborhood association setting forth the owners rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.

10.22.C.(2).c. The neighborhood association shall have the responsibility of maintaining the common property.

10.22.C.(2).d. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

10.22.C.(2).e. The developer or subdivider shall maintain control of the common property, and be responsible for their maintenance until development sufficient to support the association has taken place.

10.22.C.(2).f. It is the responsibility of the homeowner's association to submit association covenants for review and approval by the Board at least every 20 years.

10.23. Retention of Open Spaces and Natural Or Historic Features.

10.23.A. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.

10.23.B. If any portion of the subdivision is located within an area designated as a critical natural area by the comprehensive plan or the Department of Economic and Community Development's Natural Heritage Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

10.23.C. 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.

10.23.D. In any subdivision larger than 35 acres, or more than 20 lots or dwelling units, the developer shall provide up to ten percent of his total area as open space. In any

subdivision 35 acres or less, or containing 20 lots or dwelling units or less, the Board may request the developer to provide up to ten percent of his total area as open space.

10.23.E. Land reserved for open space shall be of a character, configuration, and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and 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 to be preserved, together with sufficient areas for access (trails, lookouts, etc.), where necessary and appropriate.

10.23.F. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval. Land area reserved for open space shall be mutually agreed-upon and shall be calculated on a basis of 1300 sq. ft. per dwelling unit proposed, or three acres per 100 dwelling units. Where land is not suitable, or is insufficient in amount, a payment-in-lieu of dedication shall be calculated at the market value of land at the time of the subdivision (as determined by the municipal tax assessor) and deposited into a municipal land acquisition or improvement fund.

10.23.G. The Board shall require that lot boundary lines be shaped along existing stone walls or remnants of walls, in such a manner as to maximize future potential aesthetic landscaping possibilities of all stone walls on the property.

10.23.H. Preservation of Significant Wildlife Habitat If any portion of a proposed subdivision lies within 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife as:

10.23.H.(1). Habitat for species appearing on the official state or federal lists of endangered or threatened species;

10.23.H.(2). High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

10.23.H.(3). 1320 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; or

10.23.H.(4). 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 wildlife biologist, selected or approved by the Board 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.

10.23.I. 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.

**ARTICLE XI – DESIGN STANDARDS
STREET AND STORM DRAINAGE
DESIGN AND CONSTRUCTION STANDARDS**

11.1. General Requirements.

11.1.A. The Board shall not approve any subdivision plan unless:

11.1.A.(1). Proposed streets and storm water management systems are designed and constructed 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 or be evidence of acceptance by the municipality of any street or easement.

11.1.A.(2). The subdivider agrees to complete, at their expense, all necessary road improvements to roads accessing the subdivision including those roads closed to winter maintenance, newly constructed roads, or roads deemed to be inadequate to carry traffic.

11.1.B. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plans shall include the following information:

11.1.B.(1). Date, scale, and magnetic or true north point.

11.1.B.(2). Intersections of the proposed street with existing streets.

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

11.1.B.(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.

11.1.B.(5). Complete curve data shall be indicated for all horizontal and vertical curves.

11.1.B.(6). Turning radii at all intersections.

11.1.B.(7). Centerline gradients.

11.1.B.(8). 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.

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

11.1.D. Applicability

11.1.D.(1). New Construction: this Regulation shall apply to the construction of all new streets within the Town whether public or private. No street shall be accepted as a town way unless it meets the provisions of this Regulation.

11.1.D.(2). Alterations: Alteration, widening, and improvements shall be consistent with this Regulation, Section 11.3 Street Construction Standards.

11.1.D.(3). Higher Design and Construction Standard: Nothing in this Regulation shall be construed to prevent the design and construction of streets that meet higher standards, use improved methods, or use higher quality materials.

11.1.E. Land Not Suitable for Development. The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the Minimum Lot Size Law.

11.1.E.(1). Land that is situated below the normal high-water mark of any water body.

11.1.E.(2). Land that is located within the 100-year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the subdivider shows proof through the submittal of materials prepared by a Registered Land Surveyor that show that the property in question lies at least two feet above the 100-year flood level. The elevation of filled or made land shall not be considered.

11.1.E.(3). Land that is part of a right-of-way, or easement, including utility easements.

11.1.E.(4). Land that has a water table within ten inches of the surface for at least three months of the year as identified by the County Soil Survey. The Board may use such lands in the lot area calculations if municipal sewage collection and treatment is provided and if the lot(s) are to be deed restricted to prohibit buildings with basements or require basement floor elevations one foot above the seasonal water table.

11.1.E.(5). Land that has been created by filling or draining a pond or wetland.

11.1.G. Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Obligations of the easement shall be included in the written description of the easement.

11.1.H. Lots.

11.1.H.(1). All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.

11.1.H.(2). Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.

11.1.H.(3). Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

11.1.H.(4). Wherever possible, side lot lines shall be perpendicular to the street.

11.1.H.(5). 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 re-subdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate such extensions.

11.1.H.(6). If a lot on one side of a stream, tidal water, 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.

11.1.H.(7). 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. The ratio of lot length to width shall not be more than three to one.

11.1.I. Utilities.

11.1.I.(1). Utilities shall be installed underground except as otherwise approved by the Board.

11.1.I.(2). Underground utilities shall be installed prior to the installation of the final gravel base of the road.

11.1.I.(3). The size, type and location of streetlights, electric and gas lines, telephone, and other utilities shall be shown on the plan and approved by the Board.

11.1.J. Monuments. Standard Current Land Surveying Practices Will Be Used.

11.1.J.(1). 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.

11.1.J.(2). 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.

11.1.J.(3). All monuments must be detectable by use of a standard metal detector. The diameter of steel monuments shall be a minimum of 5/8 inch and include a metal surveyor's cap.

11.1.J.(4). All other subdivision boundary corners and angle points, as well as all lot boundary corners, and angle points shall be marked by suitable monuments.

11.2. Street Design Standards.

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

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

11.2.C. Wherever existing or other proposed streets, topography, and public safety permit, streets shall run in east-west directions to maximize access for solar energy utilization. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.

11.2.D. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the municipality.

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

11.2.F. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the 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 indicated on the Official Map, the reserve area shall not be included in any lot but shall be reserved to be deeded to the municipality or State.

11.2.G. Where a major or minor subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the arterial street. Arterial streets in Sweden include Waterford Road, Knights Hill Road, and State Route 93.

11.2.H. Any subdivision containing 15 lots or more shall have at least two street connections at least 600-feet apart for fire, rescue, and safety reasons, with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

11.2.I. The following design standards apply according to street classification:

Description	Type of Street			
	Arterial	Collector	Minor	Privately-Owned Street
Minimum right-of-way (ROW) width	60 feet	60 feet	60 feet	60 feet
Minimum pavement width/travelway width	34 feet	24 feet	20 feet	20 feet
Sidewalk width	5 feet	5 feet	5 feet	5 feet
Minimum grade	0.5%	0.5%	0.5%	0.5%
Maximum grade	8%	8%	10%	10% ¹
Minimum centerline radius	800 feet	200 feet	150 feet	150 feet'
Minimum tangent between curves of reverse alignment	300 feet	200 feet	100 feet	100 feet
Minimum Roadway crown (see notes 1 and 2 below)	1/4 – 1/2 inch per foot	1/4 -1/2 inch per foot	1/4- 1/2 inch per foot	1/4-1/2 inch per foot ²
Minimum angle of street intersections	90°	90°	90°	90°
Maximum grade within 75 ft of intersection	3%	3%	3%	3%
Minimum curb radii at intersections	30 feet	20' feet	15 feet	15 feet
Minimum ROW radii at intersections	20feet	10 feet	10 feet	10 feet
Minimum width of shoulders (each side)	3 feet	3 feet	3 feet	3 feet

¹The maximum 10% grade may be increased to 12% for not more than 100 feet, as measured from the end of a vertical curve to the beginning of the next vertical curve, within any 1,000 feet of road length.

² When privately-owned streets will be gravel, the roadway crown shall be 1/2 inch per foot.

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

11.2.K. Dead End Streets. In addition to the design standards above, dead-end streets shall be constructed to provide a tear drop cul-de-sac turn-around or be converted to a loop road with the following requirements for radii:

11.2.K.(1). The following will be required for outside curb radii: 65 feet to property lines and 50 feet to the edge of pavement.

11.2.K.(2). Cul-de-sacs should be designed to decrease impervious and stormwater runoff to the greatest extent practicable.

11.2.K.(3). The Planning Board may prohibit the use or limit the length of dead-end street(s) where necessary in order to ensure adequate and safe circulation of vehicular traffic and to efficiently provide for public utilities and services. Alternatively, the

board may require pedestrian and/or vehicular easements to allow for connection between dead end roads.

11.2.K.(4). The Board may require the reservation of a 20-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a 60-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

11.2.L. Grades, Intersections, and Sight Distances.

11.2.L.(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.

11.2.L.(2). All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

11.2.L.(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 the following table.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Posted Sight Distance (ft)	250	300	350	400	450	500	570

Where necessary, corner lots shall be cleared of all growth and sight obstructions for a height of three (3) feet, including ground excavation, to achieve the required visibility.

11.2.L.(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 600 feet shall be maintained between centerlines of proposed and existing streets that enter on the same side and 200 feet shall be maintained between centerlines of streets that enter on the opposite side of an existing or proposed street. In Cluster Subdivisions, the minimum distance of 200 feet shall be maintained between the centerlines of proposed and existing streets.

11.2.M. Sidewalks. Where installed, sidewalks shall meet these minimum requirements.

11.2.M.(1). Bituminous Sidewalks.

11.2.M.(1).a. The Gravel aggregate sub-base course shall be no less than 12 inches thick.

11.2.M.(1).b. The crushed aggregate base course shall be no less than two inches thick.

11.2.M.(1).c. The hot bituminous pavement surface course shall be no less than two inches after compaction.

11.2.M.(2). Portland Cement Concrete Sidewalks.

11.2.M.(2).a. The sand base shall be no less than six inches thick.

11.2.M.(2).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.

11.2.N. Where installed, the provision of curbs, berms, and pavement edgings will depend upon the road classification and drainage chosen (e.g., open or subsurface). Where possible, no curbing shall be installed, and instead vegetated open-channel conveyance systems and accompanying LID features, such as filter strips and swales, shall be used.

11.2.N.(1). Where curbs are installed, they shall conform to the Maine DOT standard specifications. Curbs may be made of either granite, slipform concrete, or bituminous concrete. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Slipform concrete and bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

11.2.N.(2). Where possible, curb cuts and other LID techniques may be used to direct drainage into vegetated infiltration areas (i.e., bioretention basin or cell).

11.2.O. Common Driveways:

11.2.O.(1). Common driveways may serve two single-family dwelling units. The CEO shall review and approve all plans for common driveways.

11.2.O.(2). The minimum travel width of a common driveway shall be 12 feet.

11.2.O.(3). Adequate provisions shall be undertaken to minimize erosion and sedimentation.

11.3. Street Construction Standards.

11.3.A. Minimum thickness of material after compaction:

Street Materials	Minimum Requirements			
	Arterial	Collector	Minor	Privately-Owned Street
Aggregate sub-base course	18"	18"	18"	18"
Crushed aggregate base course	"	3"	3"	3"
Hot bituminous pavement				
Total thickness	5"	3 1/4"	3 1/4"	3 1/4"
Surface course	1 1/2"	1 1/4"	1 1/4"	1 1/4"
Base course	3 1/2"	2"	2"	2"

11.3.B. Preparation.

11.3.B.(1). Before any clearing has started on the right-of-way, the centerline and sidelines of the new road shall be staked or flagged at 50-foot intervals.

11.3.B.(2). Before grading is started the entire Right of Way, width necessary for travel 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 protruding above the natural profile of the land shall be removed from the travel way, shoulders, sidewalks, and drainage ways, with the exception of shade trees. A formal landscape and/or tree plan may be required by the Board in determining which trees outside of the travel way will be removed, affected, or altered.

11.3.B.(3). All organic materials shall be removed to a depth of two (2) feet below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the sub grade of the roadway. On soils which have been identified as not suitable for roadways by the design engineer, the subsoil and organic materials shall be removed from the travel way, shoulders, sidewalks and drainage areas to a depth of two (2) feet below the sub- grade and replaced with material meeting the specifications for gravel aggregate sub- base below. In lieu of removal of all organic material, a Maine DOT approved stabilization geotextile may be used to stabilize the road base.

11.3.B.(4). Side and ditch slopes shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical. All disturbed areas shall be stabilized structurally or vegetatively in compliance with the appropriate Best Management Practice according to the specifications of the erosion and sedimentation control plan. Roadside ditches shall be designed in accordance with Maine DOT design guidelines and best management practices.

11.3.B.(5). All underground utilities and provisions for future utilities shall be installed prior to placement of base gravel to avoid disturbances and cuts in the pavement.

11.3.C. Bases and Pavement.

11.3.C.(1). Bases. Aggregates shall conform to the requirements specified in Divisions 300 and 700 of the most recent specifications of the Maine Department of Transportation (MDOT).

11.3.C.(1).a. Sub-base: The Aggregate Sub-Base Course shall be gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The aggregate shall conform to MDOT (Standard for Specifications for Highways and Bridges), Type D, and shall contain no particles of rock exceeding four inches in any dimension.

11.3.C.(1).b. Base: The Crushed Aggregate Base Course shall be gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The aggregate shall conform to MDOT Specification Type B if the road is to remain gravel and Type A if the road is to be paved and shall contain no particles of rock that will not pass a two-inch square sieve.

11.3.C.(1).c. Subbase material shall provide good drainage. Depth of fill material will be as measured after compaction. Compaction shall occur after each 9 inch lift and any partial lift that may be added.

11.3.C.(1).d. Materials testing and compaction testing shall be completed by an independent testing company, as selected by the Town of Sweden, at the developer's expense. Documentation shall be provided to the town.

11.3.C.(1).e. Gravel roads shall be constructed in conformance with the most current edition of the U.S. Department of Transportation Federal Highway Administration's Gravel Roads Construction & Maintenance Guide.

11.3.C.(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.

11.3.C.(3). Curbs and Gutters.

11.3.C.(3).a. Street curbs and gutters shall be installed as required by the Board.

11.3.C.(3).b. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

11.3.C.(4). Pavements. Pavements shall conform to the requirements specified in Divisions 400 and 700 of the most recent specifications of the MDOT.

11.3.C.(4).a. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than one- inch maximum.

11.3.C.(4).b. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C with an aggregate size no more than $\frac{3}{4}$ - inch maximum.

11.4. Storm Water Management Design Standards.

11.4.A. Adequate provision shall be made for disposal of all storm water generated within a subdivision, and any drained ground water through a management system of swales, culverts, underdrain, and storm drains. The storm water management system shall

be designed to conduct storm water flows to existing watercourses or storm drains.

11.4.B. For subdivisions that require a DEP review under the Site Location of Development Act (SLDA, Title 38, Section 481), a stormwater management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Stormwater Regulations.

11.4.C. For subdivisions that do not require a SLDA permit, but require a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500 Stormwater Regulations.

11.4.D. For subdivisions outside of the watershed of a Great Pond, that neither require a SLDA permit, nor a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which incorporates Low Impact Development techniques on each individual lot.

11.4.E. Where a subdivision is traversed by a stream, river, or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins, or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a Registered Professional Engineer.

11.4.F. Drainage easements for existing watercourses or proposed drainage ways shall be provided and indicated on the plan. Such easements shall be at least 30 feet wide and conform substantially to the lines of existing natural drainage.

11.4.G. The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage, or runoff problems either in the subdivision or in other properties. Runoff shall not exceed preexisting levels.

11.4.H. The proper drainage of stormwater within the right-of-way of any street is influenced by the following features: roadway crown, gutters and curbs, culverts and ditches, catch basins and subsurface storm drains; and all such features shall be designed to function together to affect a smooth and efficient removal of stormwater from the travel lanes of the street.

11.4.I. All new and redesigned roads shall incorporate low-impact development (LID) standards as outlined in the Maine Stormwater Best Practices Manual or other appropriate best practice guidance, to the maximum extent practicable. In addition, the following provisions apply:

11.4.I.(1). Road layouts should minimize total impervious area; reflect the existing topography; and utilize existing drainageways, swales, depressions, and storage areas in their natural state. The goal is to minimize the amount of runoff that must be treated in a stormwater management system.

11.4.I.(2). Roads should not cross steep slopes, where cutting and filling will unnecessarily disturb drainage patterns. Roadways should follow existing grades.

11.4.I.(3). LID treatment strategies should treat runoff at the source and not at the end of the pipe. Where practicable, multiple LID treatment systems should be utilized in a series to increase the effectiveness of the pollutant removal from the stormwater.

11.4.I.(3).a. Adequate provision shall be made for disposal of all stormwater collected in streets and areas tributary to the street system and underground water through either open drainage (e.g., vegetated swales) or subsurface drainage (e.g., culverts and catch basins). All stormwater systems shall be designed to control the peak flow discharges from at least the 2, 10, and 25-year 24-hour storms based on rainfall data required by the Maine DEP Stormwater Management Design Manual, or data that is no less restrictive.

11.4.I.(3).b. Appropriate conveyances for outlets to drainage systems must be provided. Asphalt-coated steel culverts and asphalt-coated steel pipes or equivalent shall be used where subsurface drainage is required. Vegetated swales and other LID features may be used where appropriate and on roads without curbing.

11.4.I.(4). In any case, the minimum pipe size for any storm drainage pipe shall be twelve (12) inches for driveway entrances and fifteen (15) inches for cross culverts. Culverts shall be sized to meet drainage conditions and shall be properly installed at both ends of the ditch. Additionally, culverts shall be placed so as not to cause erosion. 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.

11.4.I.(4).a. Where cross culverts are installed to allow flow for natural drainage and stream crossings, culverts must be designed following Maine Stream Smart principles to preserve natural waterway characteristics, adequately pass water flows, and decrease impacts to aquatic species passage.

11.4.I.(4).b. Catch basins of an appropriate size and type shall be installed where necessary and shall be located generally at the gutterline. Catch basins shall be placed away from the line of traffic flow; however, they shall be adequate in design and strength to accommodate vehicle traffic.

11.4.I.(4).c. Appropriate stabilization of storm drainpipe inlets and outfalls needs to be designed, constructed, and maintained per the Maine Erosion and Sediment Control BMP Manual, Oct 2016, or latest revision thereof.

11.4.I.(5). The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned

developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

11.4.I.(6). Downstream drainage requirements shall be studied to determine the effect of the proposed new or redesigned road. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The developer shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

11.4.I.(7). Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.

11.4.I.(8). Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

11.6. Additional Improvements and Requirements.

11.6.A. Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages in accordance with the Maine DOT Best Management Practices for Erosion and Sediment Control.

11.6.B. Cleanup. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If onsite 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.

11.6.C. Street Names, Signs and Lighting. Streets that 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 of Selectmen. No street name shall be the common given name of a person. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Board.

11.7. Certification of Construction. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations.

11.8. Fire Protection.

11.8.A. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.

11.8.B. Subdivisions consisting of either eight (8) lots/units or more or between four (4) and seven (7) lots/units located more than 2,500 linear feet by established travelway from a designated and operational Fire Department water supply of at least 15,000-gallon capacity shall be subject to the following requirements:

11.8.B.(1). Alternative Water Supply Required: Proposed new residential structures failing to meet the standard of 11.8.A will be required to provide one of the following remedies:

11.8.B.(2). Install a residential fire sprinkler system in all residential units in conformance with the standards of NFPA 13D;

11.8.B.(3). Install an enclosed concrete or polycarbonate cistern with a minimum 15,000-gallon capacity on site or within 500 feet by established travelway of the principal structure and provide Fire Department vehicular access to the cistern;

11.8.B.(4). Install a fire pond with a minimum water capacity of 60,000 gallons.

11.8.C. Fire Cisterns Standards: Fire Water Supply cisterns shall be designed as follows:

11.8.C.(1). All cisterns shall be waterproofed prior to installation.

11.8.C.(2). Cisterns shall be plumbed with six (6) inch drafting outlet with a threaded fitting with long handles and a metal cap mounted on an elbow at least two (2) feet above the surface of the ground Arundel Subdivision Regulations, as amended July 25, 2019

11.8.C.(3). All plumbing fixtures shall be metal in construction.

11.8.C.(4). A separate vent pipe shall be installed

11.8.C.(5). A separate fill pipe on an elbow mounted at least 2 feet above the ground and fitted with a threaded 2.5-inch wye.

11.8.C.(6). A sight gauge showing water level in the cistern.

11.8.C.(7). Cisterns shall be constructed with a cleanout manhole enabling maintenance access to the interior with a locking mechanism to prevent vandalism.

11.8.D. Fire Pond Standards:

11.8.D.(1). Fire Pond Capacity: The water capacity of a proposed fire pond shall be determined based on the geometric volume of the pond minus that volume located from the bottom to 1 foot above the strainer elevation and minus a three (3) foot thick ice pack at the pond surface.

11.8.D.(2). Fire Pond Water Supply: The fire pond shall be lined with clay, a synthetic

liner, or any other impervious material approved by the Fire Chief or his/her designee to minimize water loss in the facility. Fire ponds should be fed by a perennial surface water source or by groundwater to reliably maintain design capacity year-round.

11.8.D.(3). Dry Hydrant: A Dry hydrant connection shall be installed consisting of an eight (8) inch strainer situated on granular material in the pond bottom, a connector line, riser pipe and elbow with a 6-inch threaded connection mounted at least two feet above the ground surface.

11.8.D.(4). Cleanout Access: A minimum of one access point shall be provided of sufficient size to enable pond maintenance and periodic silt cleanout by excavator or similar equipment. Editor's Note: Requirements for a third-party inspector are addressed elsewhere.

11.8.D.(5). Pumping Apron:

11.8.D.(5).a. Apron Design: A paved access apron at least 15 feet long shall be constructed from the cistern or fire pond's dry hydrant to the edge of the street or private way to provide easy Fire Department access to the dry hydrant and fill pipe.

11.8.D.(5).b. Bituminous Surface: The apron shall consist of 2.5-inch bituminous concrete surface constructed on 18 inches of MDOT Type D gravel compacted to 95 Proctor.

11.8.D.(5).c. Protective Bollards: Two three-inch concrete filled metal pipe bollards shall be installed at on either side and in front of the hydrant and fill pipe connections in order to protect the fittings from impact from vehicles.

11.8.E. Exemptions & Additional Requirements:

11.8.E.(1). Exemptions: Given the proximity of adequate and established Fire Department water supplies, the Fire Chief or designee may exempt a proposed development from providing an on-site water supply.

11.8.E.(2). Additional Requirements: Given site conditions and constraints, inaccessibility, fire loads, and /or exposures, the Fire Chief or designee may impose additional fire protection standards beyond the minimum requirements specified in Section 11.8 in order to maintain neighborhood safety, preserve property, and protect civilian and firefighter lives.

11.8.E.(3). 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 eight inches.

11.8.E.(4). Where the dry hydrant or other water source is not within the right of way of a proposed or existing street, an easement to municipality shall be provided

to allow access. A suitable access to the hydrant or other water source shall be constructed

ARTICLE XII - PERFORMANCE GUARANTEES

12.1. Types of Guarantees. With submittal of the application for Final Plan approval, the subdivide 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 timespan of the construction schedule and the inflation rate for construction costs.

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

12.1.B. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers,

12.1.C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers.

The type, conditions, and amount of the performance guarantee shall be determined by the Board with the advice of the Engineer, Road Commissioner, Municipal Officers, and/or Town Attorney. Any associated costs shall be borne by the applicant.

12.2. Contents of Guarantee. The performance guarantee shall contain a construction schedule, cost estimates from a qualified contractor 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 developer will be in default and the Town 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 subdivider, 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 subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

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 subdivider, 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. The letter of credit will remain open until written acceptance of the subdivision by the Town has been received by the Planning Board. The Letter of Credit must be renewed until accepted or the subdivider will be considered in default. The Town must be allowed access, in writing, to the Letter of Credit in case of default.

12.6. Phasing of Development. The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street 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.

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

12.8. Default. If, upon inspection, the Town engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Municipal officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

12.9. Private Roads. 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.”

12.10. Improvements Guaranteed. Performance guarantees shall be tendered for all improvements required by these regulations, as well as any other improvements required by the Board.

ARTICLE XIII - WAIVERS

13.1. Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, 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, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Zoning Ordinance, or these regulations.

13.2. Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Zoning Ordinance, or 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. In granting waivers to any of these regulations in accordance with Sections 13.1 and 13.2, the Board shall require such conditions as will assure the purposes of these regulations are met.

13.4. When the Board grants a waiver to any of the improvements require 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 XIV – APPEALS

14.1 An aggrieved party may appeal any decision of the Board under these regulations to Oxford County Superior Court, within 30 days of the date of the decision.

APPENDICES

Appendix A

Title 30-A, Chapter 187, PLANNING AND LAND USE REGULATION

<https://legislature.maine.gov/statutes/30-A/title30-Ach187sec0.html>

Subchapter 4: SUBDIVISIONS

§4401. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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 [PL 1989, c. 404, §1 (NEW).]

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

2-B. Farmland. “Farmland” means a parcel consisting of 5 or more acres of land that is:

A. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or [PL 2009, c. 356, Pt. C, §1 (NEW).]

B. Used for the production of agricultural products as defined in Title 7, section 152, subsection 2. [PL 2009, c. 356, Pt. C, §1 (NEW).] [PL 2009, c. 356, Pt. C, §1 (NEW).]

3. Principal structure. “Principal structure” means any building or structure in which the main use of the premises takes place. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 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. [PL 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 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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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. [PL 2001, c. 651, §1 (AMD).]

D. [PL 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. [PL 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. [PL 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. [PL 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. [PL 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. [PL 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 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. [PL 2013, c. 126, §1 (AMD).]

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

G. [PL 2017, c. 104, §1 (RP).]

H. [PL 2001, c. 651, §2 (RP).]

H-1. [PL 2017, c. 104, §1 (RP).]

H-2. This subchapter may not be construed to prevent a municipality from enacting an

ordinance under its home rule authority that 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, 2021. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2020 for the definition to remain valid for the grace period ending January 1, 2021. 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. [PL 2019, c. 174, §1 (AMD).]

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. [PL 2001, c. 359, §5 (AMD).]

J. Unless the intent of a transferor is to avoid the objectives of this subchapter, the division of a tract or parcel of land accomplished by the transfer of any interest in the land to a holder does not create a lot or lots for purposes of this definition if:

(1) The transferred interest, as expressed by conservation easement, binding agreement, declaration of trust or otherwise, is to be permanently held for one or more of the following conservation purposes:

- (a)** Retaining or protecting the natural, scenic or open space values of the land;
- (b)** Ensuring the availability of the land for agricultural, forest, recreational or open space use;
- (c)** Protecting natural resources; or
- (d)** Maintaining or enhancing air quality or water quality; and

(2) The transferred interest is not subsequently further divided or transferred except to another holder.

As used in this paragraph, “holder” has the same meaning as in Title 33, section 476, subsection 2. [PL 2023, c. 79, §1 (AMD).] [PL 2023, c. 79, §1 (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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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. [PL 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.; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

D. The Damariscotta River from the Route 1 bridge in Damariscotta to the dam at Damariscotta Mills; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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 of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

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

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

U. The Sandy River from the Kennebec River to the Madrid and Township E town line; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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 [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 1989, c. 497, §3 (AMD).] [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 1989, c. 497, §3 (AMD).]

SECTION HISTORY

PL 1989, c. 104, §§A45,C10 (NEW). PL 1989, c. 326, §1 (AMD). PL 1989, c. 404, §1 (AMD). PL 1989, c. 497, §§1-3 (AMD). PL 1989, c. 772, §2 (AMD). PL 1991, c. 500, §§1,2 (AMD). PL 2001, c. 359, §§1-5 (AMD). PL 2001, c. 359, §8 (AFF). PL 2001, c. 523, §§1,2 (AFF). PL 2001, c. 651, §§1-3 (AMD). PL 2007, c. 49, §1 (AMD). PL 2009, c. 356, Pt. C, §1 (AMD). PL 2013, c. 126, §1 (AMD). PL 2017, c. 104, §1 (AMD). PL 2019, c. 174, §1 (AMD). PL 2023, c. 79, §1 (AMD).

§4402. Exceptions

This subchapter does not apply to: [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 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; [PL 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; [PL 2017, c. 104, §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; [PL 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; [PL 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 [PL 1997, c. 323, §3 (NEW).]

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; or [PL 2017, c. 104, §3 (AMD).]
[PL 2017, c. 104, §3 (AMD).]

6. Division of new or existing structures. Beginning July 1, 2018, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review.

A. For the purposes of this subsection, “municipal site plan review” means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety. [PL 2019, c. 174, §2 (NEW).]

B. The municipal reviewing authority in each municipality shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of paragraph A. [PL 2019, c. 174, §2 (NEW).] [PL 2019, c. 174, §2 (AMD).]

SECTION HISTORY

PL 1989, c. 104, §§A45,C10 (NEW). PL 1997, c. 51, §§1,2 (AMD). PL 1997, c. 323, §§1-3 (AMD). PL 2017, c. 104, §§2-4 (AMD). PL 2019, c. 174, §2 (AMD).

§4403. Municipal Review and Regulation

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

1-A. 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. [PL 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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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. [PL 1999, c. 761, §11 (AMD).]

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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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 141 that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in Title 32, section 18226. [PL 2013, c. 180, §3 (AMD); PL 2013, c. 180, §6 (AFF).] [PL 2013, c. 180, §3 (AMD); PL 2013, c. 180, §6 (AFF).]

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

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

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

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

SECTION HISTORY

PL 1989, c. 104, §§A45, C10 (NEW). PL 1989, c. 497, §§4-7 (AMD). PL 1995, c. 93, §1 (AMD). PL 1997, c. 226, §1 (AMD). PL 1999, c. 761, §11 (AMD). PL 2013, c. 180, §3 (AMD). PL 2013, c. 180, §6 (AFF).

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

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

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

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

E. The applicable state and local health and water resource rules and regulations; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 1989, c. 429, §1 (AMD); PL 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 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; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 1989, c. 429, §1 (AMD); PL 1989, c. 497, §8 (AMD); PL 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; [PL 1989, c. 404, §2 (NEW); PL 1989, c. 429, §2 (NEW); PL 1989, c. 497, §9 (NEW); PL 1989, c. 772, §3 (AMD); PL 1989, c. 878, Pt. G, §5 (RPR).]

14-A. Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district; [PL 2009, c. 356, Pt. C, §2 (NEW).]

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; [PL 1991, c. 838, §12 (AMD).]

16. Storm water. The proposed subdivision will provide for adequate storm water management; [PL 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; [PL 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; [PL 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 [PL 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 Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority’s request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, “liquidation harvesting” has the same meaning as in Title 12, section 8868, subsection 6 and “parcel” means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14. [PL 2003, c. 622, §4 (NEW); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1989, c. 104, §§A45,C10 (NEW). PL 1989, c. 404, §2 (AMD). PL 1989, c. 429, §§1,2 (AMD). PL 1989, c. 497, §§8,9 (AMD). PL 1989, c. 762, §§3,4 (AMD). PL 1989, c. 772, §3 (AMD). PL 1989, c. 878, §§A85,86,G5 (AMD). PL 1991, c. 838, §§12-14 (AMD). PL 1997, c. 226, §§2-4 (AMD). PL 2001, c. 560, §1 (AMD). PL 2003, c. 622, §§2-4 (AMD). PL 2009, c. 356, Pt. C, §2 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

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

SECTION HISTORY

PL 1989, c. 104, §§A45,C10 (NEW).

§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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 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 granted and the date of the granting.

(2). The variance is not valid until recorded as provided in this paragraph. Recording must occur within 2 years of the final subdivision approval or approval under Title 38, chapter 3, subchapter 1, article 6, where applicable, whichever date is later, or the variance is void. [PL 2017, c. 104, §5 (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. [PL 1989, c. 769, §1 (NEW).]

C. A building official 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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 1989, c. 769, §1 (AMD); PL 2007, c. 699, §24 (REV).]

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. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 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. [PL 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. [PL 1989, c. 769, §1 (NEW).] [PL 2017, c. 104, §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:

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

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

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

D. A drill hole in ledge. [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] [PL 1989, c. 104, Pt. A, §45 (NEW); PL 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. [PL 2001, c. 40, §1 (AMD).]

4. Permit display. 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. [PL 1991, c. 838, §15 (NEW).]

SECTION HISTORY

PL 1989, c. 104, §§A45,C10 (NEW). PL 1989, c. 326, §2 (AMD). PL 1989, c. 497, §10 (AMD). PL 1989, c. 769, §1 (AMD). PL 1989, c. 772, §4 (AMD). PL 1991, c. 548, §D5 (AMD). PL 1991, c. 838, §15 (AMD). PL 1997, c. 199, §1 (AMD). PL 2001, c. 40, §1 (AMD). PL 2007, c. 699, §24 (REV). PL 2017, c. 104, §5 (AMD).

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

SECTION HISTORY

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

§4408. Recording upon approval

Upon approval of a subdivision plan, plat or document under section 4403, subsection 5, a municipality may not require less than 90 days for the subdivision plan, plat or document to be recorded in the registry of deeds. [PL 2011, c. 245, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 245, §1 (NEW).

Appendix B

Sample Letter of Credit

Chair, Town of Sweden Planning Board
144 Bridgton Road
Sweden, ME 04040

Date

Re: Letter of Credit for
Name of Developer
Developer's Address

Dear *Name of Chair*,

This letter will confirm to the Town of Sweden that the *Name of Bank* has issued a loan commitment to *Name of Developer* for the purpose of constructing all required improvements in the *Name of Subdivision*.

Name of Bank will set aside \$230,000 in a Construction Escrow Account for completion of the required improvements. This account can be drawn upon by the Town of Sweden in the event that *Name of Developer* fails to complete steps A through H listed below on or before *specified date*.

List of Required Improvements (example only)

	Estimated Cost
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.	\$7,600
D. Install sewer @ \$27/ft. x 2,050 feet plus pump 516,500	\$61,600
E. Install water mains @ \$14/ft x 2,400 feet	\$33,600
F. Apply and shape 18" gravel base @ \$8.30/ft x 2,350 feet	\$19,500
G. 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
H. Apply 3/4" of surface bituminous concrete to width of 24 feet @ \$5/ft	\$11,800

Name of Bank understands that *Name of Developer*, or the contractor, will notify the Town Code Enforcement Officer before any of the above work has begun and obtain his approval. This Account will expire when the Town of Sweden acknowledges in writing to *Name of Developer* that the work outlined in Steps A through H has been completed in accordance with the Town of Sweden's Subdivision Regulations and Zoning and Land Use Ordinance, and the approved plans of *Name of Subdivision*. Any funds remaining in the account for work outlined in Steps A through H that has not been completed and approved by the Town on the date *specified above* 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 *Name of Developer* 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 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)*. The Town of Sweden 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,

Name of Loan Officer
Loan Officer
Name of Bank

SEEN AND AGREED TO: _____
Name of Developer

The Town of Sweden hereby accepts this original letter as evidence of the obligation of *Name of Developer* for the required improvements as specified above.

SIGNED: _____
First Selectman
Town of Sweden

Appendix C

Maine's Soil and Water Conservation Districts

Androscoggin/Sagadahoc SWCD
27 Westminster Street
Lewiston, ME 04330
207-783-9196

Central Aroostook SWCD
744 Main Street
Presque Isle, ME 04769
207-764-4153

Cumberland County SWCD
381 Main Street
Gorham, ME 04038
207-839-7842

Franklin County SWCD
2 Park Street
Farmington, ME 04938
207-778-4767

Hancock County SWCD
RFD 5, Box 508
W Ellsworth, ME 04605
207-667-8663

Kennebec County SWCD
Western Avenue
Augusta, ME 04330
207-622-8289

Knox-Lincoln County SWCD
191 Camden Road
Warren, ME 04866
207-273-2005

Oxford County SWCD
1 Main Street
South Paris, ME 04281
207-743-7019

Penobscot County SWCD
970 Illinois Avenue, Suite 2
Bangor, ME 04401
207-947-6622

Piscataquis County SWCD
1073 West Main Street, Suite 7
Dover-Foxcroft, ME 04426
207-564-2321

St. John Valley SWCD
96 Market Street
Fort Kent, ME 04743
207-834-2432

Somerset County SWCD
7 High Street
Skowhegan, ME 04976
207-474-8324

Southern Aroostook SWCD
RR 3, Box 45
Houlton, ME 04730
207-532-2087

Waldo County SWCD
69 Northport Avenue
Belfast, ME 04915
207-338-2320

Washington County SWCD
49 Court Street
Machias, ME 04654
207-255-3995

York County SWCD
160 Cottage Street
Sanford, ME 04073
207-324-7015

