# ARTICLE 1 - PURPOSE

## 1.1 Purpose.

The purposes of these regulations are:

A. To provide for an expeditious and efficient process for the review of proposed subdivisions;
B. To assure new development in the Town of Dayton meets the goals and conforms to the policies of the Dayton Comprehensive Plan;
C. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Dayton;
D. To protect the environment and conserve the natural and cultural resources identified in the Dayton Comprehensive Plan as important to the community;
E. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
F. To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
G. To promote the development of an economically sound and stable community.

## 1.2 Statutory Review Criteria.

When reviewing any application for a subdivision, as defined by Article 3 of these Regulations, the Planning Board shall make Findings of Fact that the following criteria as found in Title 30-A M.R.S.A. §4404 have been met, as well as all applicable provisions of the Zoning Ordinance and other sections of this Regulation have been met, including the Performance and Design Standards of Article 11, before granting approval. The proposed project:

A. Will not result in undue water or air pollution. In making this determination, it shall at least consider:
    1. The elevation of the land above sea level and its relation to the flood plains;
    2. The nature of soils and subsoils and their ability to adequately support waste disposal;
    3. The slope of the land and its effect on effluents;
    4. The availability of streams for disposal of effluents; and
    5. The applicable State and local health and water resources rules and regulations;
B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
C. Will not cause an unreasonable burden on an existing water supply, if one is to be used;
D. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

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E. 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, 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;

F. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

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

H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, 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;

I. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans;

J. The developer has adequate financial and technical capacity to meet the standards of this section.

K. 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, sections 435 through 490, or within 250 feet of tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

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

M. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project 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;

N. 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;

O. 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;

P. The proposed subdivision will provide for adequate storm water

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management;

Q. 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;

R. 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;

S. 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

T. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning 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 Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry 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 Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it 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, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

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# ARTICLE 2 - AUTHORITY AND ADMINISTRATION

## 2.1 Authority.

A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403, as amended.
B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Dayton, Maine."

## 2.2 Administration.

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

## 2.3 Amendments.

These regulations may be amended by the Dayton Planning Board. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

## 2.4 Conflicts with other Ordinances.

Should any provision of these Regulations conflict with any provision of an Ordinance enacted by the Legislative Body, the provision of the Ordinance shall prevail. Should any provision of these Regulations conflict with another provision of these Regulations, the more restrictive provision shall prevail.

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# ARTICLE 3 - DEFINITIONS

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

**AFFORDABLE HOUSING:** Housing units which shall meet the sales price and/or rental targets established by the comprehensive plan for housing affordability.

**APPLICANT:** The person applying for subdivision approval under these regulations and has provided evidence of right, title, or interest for the parcels included in the subdivision.

**AVERAGE DAILY TRAFFIC (ADT):** The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

**BOARD:** The Planning Board of the Town of Dayton, Maine.

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

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

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

**CLUSTER DEVELOPMENT:** A subdivision development 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. Cluster Subdivisions apply to subdivisions for single family and two-family homes in the Rural Forest and Rural Field zones only. See Section 7.17 of the Zoning Ordinance for Performance Standards.

**COMMON OPEN SPACE:** Land within, adjacent to, or related to a subdivision, not individually owned or within an individual lot, held in joint ownership, dedicated or conveyed to the municipality, a land trust or other recognized conservation organization, which is designed and intended for the common use or enjoyment of the residents of the development and/or the general public. It may include complementary structures no

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greater than 200 square feet and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation not resulting in more than 2% lot coverage.

**COMPLETE APPLICATION:** An application shall be considered complete upon submission of the required fee and all information required by these regulations unless waived, after the applicant's written request, by a vote by the Board . The Board shall issue a written statement to the applicant upon its determination that an application is complete.

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

**COMPREHENSIVE PLAN:** A document or interrelated documents adopted by the Legislative Body, containing the elements established under Title 30-A M.R.S.A. §4326 sub-§§-1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under Title 30-A M.R.S.A. §§4311 through 4350 an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implentation of the policies.

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

**CONTIGUOUS LOTS:** Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a stream, waterbody, or public or private road shall be each considered a separate tract or parcel, unless a private road was established and is owned by the same owner of the land on both sides thereof.

**DENSITY:** The number of dwelling units per acre of net land area.

**DEVELOPED AREA:** Any area on which a site improvement or change is made, including buildings, lot coverage, landscaping, parking areas, and streets.

**DIRECT WATERSHED OF A GREAT POND:** That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan, or as depicted in the drainage divide data layer provided by the

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Maine Office of GIS. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. The burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

**DRIVEWAY:** A vehicular accessway less than 500 feet in length, serving two dwelling units, or less.

**DWELLING UNIT:** One or more rooms designed an equipped for occupancy by one family, by an individual or up to 5 unrelated persons, and which contains independent living, bathing, sanitary facilities, one kitchen, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, residential condominiums and a community living facility as defined in 30A M.R.S.A §4357-A

**EASEMENT:** The autherization of the property owner for the use by another, and for specified purpose, of any designated part of his property.

**ENGINEERED SUBSURFACE WASTE WATER DISPOSAL SYSTEM:** A subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher BOD5 and total suspended solids concentrations than domestic waste water.

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

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

**GREAT POND:** Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**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

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classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

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

**HIGH WATER MARK, INLAND WATERS:** That line that is apparent from visible markings which 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. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the high-water mark is the upland edge of the wetland, and not the edge of the open water.

**LEVEL OF SERVICE:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

**LOT:** An area of land in one ownership with identifiable lot lines established by deed, plan, or other instrument of record.

**LOT COVERAGE:** That portion of a lot occupied by structures, parking lots, patios, sidewalks, or other areas which are devegetated and which are not to be revegetated.

**LOT DEPTH**: The mean of the horizontal distances between the front lot line and the rear lot line measured along the side lot lines

**LOT LINE:** That real or imaginary line along the ground surface and its vertical extension which seperates a lot from an abutting lot or from a street right-of-way.

**LOT WIDTH:** The mean of the horizontal distances between the lot side lines measured along the front lot line, and the rear lot line

**MULTIFAMILY DEVELOPMENT:** A subdivision which contains three or more dwelling units on one parcel of land in common ownership, such as apartment buildings, condominiums, or mobile home parks.

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

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**NET AREA:** A measure of land area (measured on a horizontal plane) which excludes any land below the high-water line of a waterbody or below the upland edge of a wetland or any land beneath a street right-of-way.

**NET RESIDENTIAL DENSITY:** The average number of dwelling units per net residential acre.

**NEW STRUCTURE OR STRUCTURES:** Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

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

**PLANNED UNIT DEVELOPMENT:** A designed grouping of both varied and compatible land uses, such as housing, recreation, commercial centers and industrial parks, all within one contained development or subdivision where common areas are owned by individual homeowners and not a homeowners' association or other entity.

**PLANNING BOARD:** The Planning Board of the Town of Dayton.

**PRELIMINARY PLAN:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

**PROFESSIONAL ENGINEER:** A professional engineer, registered in the State of Maine.

**PUBLIC WATER SYSTEM:** A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

**RECORDING PLAN:** An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which may not show other information presented on the plan 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 include monumentation, street construction, stormwater management facilities, fire protection methods, sewage disposal facilities, water supply, electrical and tele-communications facilities, and erosion and sedimentation control facilities.

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

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**RESIDENTIAL SPRINKLER SYSTEM:** An approved automatic fire protection sprinkler system shall be capable of immediately supplying water to a fire without human intervention. The system shall meet all of the requirements as outlined in the applicable National Fire Protection Association (NFPA) Standard. These standards shall include NFPA 13, NFPA 13R, or NFPA 13D. The system design is required by State Law to be permitted by the State Fire Marshal's Office prior to installation.

**ROAD:** A route or track consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material constructed for or created by the repeated passage of vehicles. The term "road" includes the term "street."

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

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

**STREET:** Public and private ways such as alleys, avenues, highways, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way, for the principal means of vehicular access to two or more abutting lots. The term "street" does not include the term "road" or "driveway."

**STREET CLASSIFICATION:** Streets shall include the following:

(1) **ARTERIAL STREET:** A major thoroughfare which serves as a major traffic way for travel between and through the municipality as identified in the Dayton Comprehensive Plan. The following are considered Arterial Streets:
   a. New County Rd;
   b. Clarks Mills Rd; and
   c. Goodwins Mills Rd.

(2) **COLLECTOR STREET:** A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

(3) **CUL-DE-SAC:** A street with only one outlet and having the other end for the reversal of traffic movement.

(4) **INDUSTRIAL OR COMMERCIAL STREET:** Streets servicing industrial or commercial uses.

(5) **MINOR RESIDENTIAL STREET:** A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day, which may be dedicated as a public way.

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(6) **PRIVATE RIGHT-OF-WAY:** A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

**STREET FRONTAGE:** The linear horizontal distance between the sidelines of a lot, measured along the lot line that borders upon whatever street right-of-way serves as legal access to the lot. Frontage dimensions shall be consistant with the corresponding zone in which the development is located. For the purposes of these regulations, the following street right-of-ways shall constitute legal access to a lot along which frontage may be measured:

(1) A street right-of-way accepted or established as belonging to the Town of Dayton, or the State of Maine, provided access is not specifically prohibited;
(2) A street right-of-way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;

**SUBDIVISION:** The term shall be defined as in Title 30-A M.R.S.A. §4401, sub-§4, as amended.

**SUBDIVISION, MAJOR:** Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street.

**SUBDIVISION, MINOR:** Any subdivision containing not more than four lots or dwelling units, and in which no street is proposed to be constructed.

**TOWN:** The Town of Dayton, Maine

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

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

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# ARTICLE 4 - ADMINISTRATIVE PROCEDURE

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

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# ARTICLE 5 - SKETCH PLAN MEETING AND SITE INSPECTION

**5.1 Purpose.**

The purpose of the sketch plan 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 Sketch Plan Meeting Procedure.**

A. The applicant shall present the Preapplication Form and Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision. The applicant shall produce evidence that abutters to the proposed subdivision have been sent or delivered notice describing the proposed project.

B. Following the applicant's presentation, the Board may ask questions, point out potential problems or issues for future discussions, and make suggestions to be incorporated by the applicant into the subsequent application. Substantive, lengthy discussions about compliance with review standards or the consideration of waiver requests shall be postponed until the subsequent review of the full application.

C. The date of the on-site inspection is selected by the Planning Board.

D. The applicant shall be given a copy of the fee schedule.

**5.3 Sketch Plan Submissions.**

8 copies of the sketch plan and all supporting materials must be submitted 14 days prior to a regularly scheduled Planning Board meeting, in order to be placed on the Board's agenda. The sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a freehand penciled sketch, shall show site conditions such as steep slopes, wet areas and vegetative cover in a general manner. The sketch plan shall be supplemented with a written project narrative, with general information to describe or outline the existing conditions of the site and a full description of the proposed development. The narrative should include general proposals for how any common areas and infrastructure will be managed and maintained. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by:

A. A sketch plan Preapplication Form.
B. A copy of a portion of the U.S.G.S. topographic map of the area, and a copy of the Dayton Tax Map, showing the outline of the proposed subdivision; unless the proposed subdivision is less than 10 acres in size.

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C. A copy of that portion of the York County Soil Survey covering the proposed subdivision, showing the outline of the proposed subdivision development, and
D. A written project narrative as described above.
E. A list of names and addresses of abutters to the proposed project and certification that notices describing the proposed project have been sent or delivered by the applicant to abutters. The addresses of these abutters shall be obtained from the Town of Dayton Tax Assessor's records, and the notice and certification form shall be located within the Preapplication Form.
F. Evidence of Right, Title or Interest in the subject parcel(s).

**5.4 Contour Interval and On-Site Inspection.**

Within thirty days of the sketch plan meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of building footprints shall be "flagged." The Board may choose not to conduct on-site inspections when there is inclement weather, snow on the ground, or at the discretion of the Board. On-site inspections shall be noticed as required by 1 M.R.S.A. §§401-410, and the public shall be allowed to accompany the Board. Minutes shall be taken in the same manner as for regular meetings.

**5.5 Rights Not Vested.**

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

**5.6 Establishment Of File.**

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

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# ARTICLE 6 - MINOR SUBDIVISIONS

## 6.1 General

The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A M.R.S.A, §4404, or the standards from Article 11 of these regulations, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.

## 6.2 Procedures

A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Final Plan for a Minor Subdivision. If a Preapplication on-site inspection was not held the Planning Board shall consider if an on-site inspection is required upon the submission of the Minor Subdivision Applicaton. Applications shall be submitted by mail to the Planning Board, or delivered by hand to the municipal office 14 days prior to a scheduled Planning Board meeting. Failure to meet the six month deadline shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown onthe Sketch Plan, plus any recommendations made by the Board.

B. All applications for Final Plan approval for a Minor Subdivision shall be accompanied by a non-refundable application fee of $400.00 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of $75.00 per lot or dwelling unit to be deposited in a special escrow account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application, if necessary this fee may be adjusted by the Planning Board if it finds that the amount is not adequate or in excess of the level of review that may be needed. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require an addditional $50 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional $50 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

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 of $500 per lot or dwelling unit, whichever is more. 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 preapplication meeting and submitted the sketch plan, then the adminstrative fine shall be increased to $1,000 per lot or dwelling unit, whichever is more.

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C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the Final Plan. Failure to attend the meeting to present the Final Plan shall result in a delay of the Board's receipt of the plan until the next meeting which the applicant attends.
D. Upon receipt of an application for Final Plan approval of a minor subdivision, the Planning Board shall:
    1. Issue a dated receipt to the applicant.
    2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
    3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts, includes or crosses the municipal boundary.
E. Within thirty days of the receipt of the Plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination and place the applicaiton on the agenda for review by the Planning Board. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
F. The Board shall determine whether to hold a public hearing on the Final Plan for a minor subdivision application.
G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of the determination that an application is complete, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant.
H. Within thirty days from the public hearing or within sixty days of the determination that a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A M.R.S.A., §4404 and the standards in these regulations. If the Board finds that all the criteria of the Statute and the standards of these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the criteria of the Statute or the standards of these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the 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.

**6.3 Submissions:**

The Final Plan Application submission shall consist of the following items:

A. 8 copies of a completed application form, the required application fee, and escrow deposit;
B. Location Map**.** The Location Map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow

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the Board to locate the subdivision within the municipality. The Location Map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
3. Boundaries and designations of zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Final Plan submitted covers only a portion of the owner's entire contiguous holding.

C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of one reproducible, stable based transparencies, to be recorded at the Registry of Deeds, plus three paper copies of the signed and stamped plan for file at the Town Office. Plans shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside of the border along the remaining sides. Space shall be provided for endorsement by the Board. Eight copies of all information accompanying the plan shall be submitted.

D. The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessors Map and Lot numbers.
2. Verification of right, title, or and interest in the property.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of all deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. Indication of the type of sewage disposal to be used in the subdivision. Test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. Indication of the type of water supply system(s) to be used in the subdivision.
8. The date the Plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, subdivider, individual or company who prepared the plan, and owners of property within 500 feet.

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10. A high intensity soil survey by a Registered Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.
11. The 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 inches in diameter at breast hight 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.
12. The location of all rivers, streams, and brooks within or adjacent to the proposed subdivision.
13. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
14. The zoning district in which the proposed subdivision is located and location of any zoning boundaries affecting the subdivision.
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
16. 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 stablished.
17. 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.
18. The location of any open space to be preserved and a description of proposed improvements and its management.
19. 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 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 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.
20. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
21. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer; and when

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a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers" by the Maine Geological Survey. 1985, Map No 4; or
b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and proposed use of shared or common subsurface waste water disposal systems.The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 11.9.A.1 below.

22. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, 1991 edition, published by the Institute of transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
23. For subdivisions projected to generate more than 400 vehicle trips per day or commercial subdivisions involving 40 or more parking spaces, ~~or,~~ a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
24. A storm water management plan, prepared by a registered professional engineer in accordance with Urban Hydrology for Small Watersheds, T.R. 55, 1986 edition, published by the U.S. Soil Conservation Service. Another methodology may be used if the applicant can demonstratye it is equally or more applicable to the site.
25. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices by the Cumberland County SWCD and Maine DEP dated 1991. The Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon finding that the proposed subdivision will not involve road construction and that no driveway or house construction will occur on sites with slopes steeper than 10%.

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26. Areas within or adjacent to the proposed subdivision that have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan.
27. 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 harvester's compliance with Maine Forest Service's Harvesting Standards to Substantially Eliminate Liquidation Harvesting certified by a licensed forester shall be submitted.

PROPOSED

# ARTICLE 7 - PRELIMINARY PLAN FOR MAJOR SUBDIVISION

**7.1 Procedure.**

A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least 14 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail or by hand to the municipal offices. Failure to submit an application within six months of the on-site inspection shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for preliminary plan shall be accompanied by a nonrefundable application fee of $400.00 per lot or Dwelling Unit payable by check to the municipality. In addition, there will be a $350.00 escrow fee if the Planning Board determines that an on-site inspection is required, and an additional $350.00 escrow fee if a public hearing is required. In the event the Planning Board requires both, they may be held together if appropriate. The applicant shall pay an escrow fee in the amout of $45.00 per lot or dewlling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Zoning Ordinance and Subdivision Regulations. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the Final Plan application by the Board shall be returned to the applicant.

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 of $500 per lot or dwelling unit, whichever is more. 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 preapplication meeting and submitted the sketch plan, then the adminstrative fine shall be increased to $1,000 per lot or dwelling unit, whichever is more.

C. The Board shall not review any preliminary plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting. The applicant is responsible for any costs associated with having to republish public hearing notices and abutter renotification.

D. Upon receipt of the Preliminary Plan application for a major subdivision, the Board, or its designee, shall:

1. Issue a dated receipt to the applicant.

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2. Notify in writing by First Class Mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

E. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing . The Board shall also notify the Road Commissioner, Fire Chief and Superintendent of Schools of the proposed subdivision, the number of lots and dwelling units proposed, the length of roadways, and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. The Board shall determine whether to hold a public hearing on the preliminary plan application.

G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least one prominent place within the municipality at least seven days prior to the hearing, as well as on the Town of Dayton Website. A copy of the notice shall be sent by First Class certified mail to abutting landowners and to the applicant, at least ten days prior to the hearing.

H. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

I. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:
1. The specific changes which it will require in the final plan;
2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.

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

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approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

**7.2 Mandatory Submissions for Preliminary Plan.**

The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12. 8 copies of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

A. **Application Form**.

8 copies of the application form and any accompanying information.

B. **Location Map**.

The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
3. Boundaries and designations of zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
5. The location of existing cemeteries within the proposed subdivision.

C. **Preliminary plan**. The preliminary plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch, provided all necessary detail can easily be read. The application materials for preliminary plan approval shall include the following information.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
2. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown, including

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all contiguous land in common ownership within the last five years, as required by Title 30-A M.R.S.A. section 4401.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. An indication of the type of sewage disposal to be used in the 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. A minimum of two test pits per lot shall be required. Test pit limiting factors shall be noted.
7. An indication of the type of water supply system(s) to be used in the subdivision.
    a. Evidence of adequate groundwater quality shall be required for proposed subdivisions in the vicinity of known sources of potential groundwater contamination. The results of a primary inorganic water analysis performed upon a well on the parcel to be subdivided or from wells on adjacent parcels, between the parcel to be subdivided and the potential contamination source, shall be submitted.
    b. When a proposed subdivision is to be served by a private central water system or contains structures other than one- or two-family dwellings, evidence of adequate groundwater quantity shall be required.
8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
10. Wetland areas shall be delineated on the survey, regardless of size.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, unusually large specimen trees, if present, and other essential existing physical features.
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
14. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
15. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

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16. 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.
17. The proposed lot lines with approximate dimensions and lot areas.
18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
19. The location of any open space to be preserved or common areas to be created, and a general description of proposed ownership, improvement and management.
20. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
21. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
22. Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Project the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
23. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites.

D. **Required Submissions for which a Waiver May be Granted**.

The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12, Waivers. 8 copies of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

1. A high-intensity soil survey by a registered soil scientist.
2. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.
3. 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 when:
    a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1998, File No. 98-138, 144 and 147; or

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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 groundwater 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 11.9 below.

4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
5. Traffic Impact Analysis. For subdivisions involving 28 or more parking spaces or projected to generate more than 140 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
6. Maine Department of Transportation if traffic movement permit or highway entrance permit is required

E. The Planning Board may require any additional information not listed above, when it is determined necessary by the Board to determine whether the statutory review criteria of Title 30-A M.R.S.A. §4404 have been met.

PROPOSED

# ARTICLE 8 - FINAL PLAN APPLICATION

**8.1 Procedure.**

A. Within six months after the approval of the preliminary plan, the applicant shall submit 8 copies of an application for approval of the final plan with all supporting materials, at least 14 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

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

B. All applications for final plan approval for a major subdivision shall be accompanied by a non-refundable application fee of $300 per lot or dwelling unit, payable by check to the municipality. In addition, there will be a $350.00 escrow fee if the Planning Board determines that a final public hearing is required. The Planning Board may continue to require the replenishment of the escrow account for hiring independent consulting services to review the application for final plan approval, along with any supporting materials, pursuant to the procedures of section 7.1.B.

C. Upon receipt of the Final Plan application for a major subdivision, the Board, or its designee, shall notify in writing by First Class Mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. The Board, or its designee shall notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

D. Prior to submittal of the final plan application for a major subdivision, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act.
2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.
3. Maine Department of Human Services, if the applicant proposes to provide a public water system.

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4. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.
5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
6. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit

If the Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

E. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with Section 7.2.C.23, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.
F. Written approval of any proposed street names from the Town of Dayton E911 Addressing Officer.
G. The Board shall not review any final plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.
H. Within three days of the receipt of the Final Plan application, the Board, or its designee, shall issue a dated receipt to the applicant.
I. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
J. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing. The Board shall determine whether to hold a public hearing on the final plan application.
K. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least one prominent place within the municipality and on the Dayton Town Website at least seven days prior to the hearing. A copy of the notice shall be sent by First class Certified mail to abutting landowners and to the applicant, at least ten days prior to the hearing.
L. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 11.
M. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval

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contained in Title 30-A M.R.S.A., §4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

**8.2 Mandatory Submissions.**

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable-based transparency of the recording plan to be recorded at the Registry of Deeds, and 8 full sized paper copies of all the final plan sheets and any supporting documents shall be submitted.

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

A. Completed Final Plan Application Form and Final Plan Application Submissions Checklist.
B. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.
C. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
D. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
E. An indication of the type of sewage disposal to be used in the subdivision.
F. An indication of the type of water supply system(s) to be used in the subdivision.
    1. A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.
    2. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

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3. When a proposed subdivision is to be served by a private central water system or contains structures other than one- or two-family dwellings, evidence of adequate groundwater quantity shall be required.

G. The date the plan was prepared, north point, graphic map scale.

H. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.

I. The location of any zoning boundaries affecting the subdivision.

J. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

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

L. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual

M. Street plans, meeting the requirements of Section 11.15.

N. The width and location of any proposed new streets or public improvements or open space within the subject property that are shown upon the official map, in the comprehensive plan, or Capital Improvements Program, if any.

O. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be managed and maintained shall be submitted. These may include Homeowners' Association By Laws and Condominium Declarations. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

P. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

Q. The location and method of disposal for land clearing and construction debris.

PROPOSED

**8.3 Required Submissions for which a Waiver May be Granted.**

The final plan shall also include or be accompanied by the following information, unless a waiver is requested and granted pursuant to Article 13, Waivers:

A. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. The Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the total land area of the subdivision.
B. A stormwater management plan, prepared by a Registered Professional Engineer in accordance with the most recent edition of *Stormwater Management for Maine: BMPS Technical Design Manual*, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the total land area of the subdivision.
C. If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of section 11.12.D, the following shall be submitted or indicated on the plan:
    1. A phosphorus impact analysis and control plan conducted using the procedures set forth in DEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.
    2. A long-term maintenance plan for all phosphorus control measures.
    3. The contour lines shown on the plan shall be at an interval of no less than five feet.
    4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

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**8.4 Final Approval and Filing.**

A. No plan shall be approved by the Board as long as the applicant is in violation or default of the provisions of a previously approved Plan within the municipality.

B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

C. At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

D. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless a revised final plan is first submitted and the Board approves any modifications, in accordance with Article 9. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

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F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

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# ARTICLE 9 – REVISIONS TO APPROVED PLANS

**9.1 Procedure.**

A. An applicantion for a revision to a previously approved plan shall, at least 14 days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of not more than four lots or dwelling units and no street the procedures and submission requirements for minor subdivision in Article 6 shall be followed. If the revision involves the creation of additional lots or dwelling units and/or the creation of, expansion to, or alteration of a street, the procedures and submission requirements for preliminary plan approval in Article 7 shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units and/or a street, the procedures and submission requirements for final plan approval in Article 8 shall be followed.

B. All applications for a revision to a previously approved plan shall be accompanied by a non-refundable application fee of $100 plus $300 per lot or dwelling unit proposed, payable by check to the municipality. In addition, there will be a $350.00 escrow fee if the Planning Board determines that an on-site inspection is required and there will be a $350.00 escrow fee if a public hearing is required. The Planning Board may continue to require the replenishment of the escrow account for hiring independent consulting services to review the application for approval, along with any supporting materials, pursuant to the procedures of section 7.1.B.

C. Upon receipt of the Revised Subdivision Plan Application, the Board, or its designee, shall notify in writing by First Class Mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. The Board, or its designee shall notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary

**9.2 Submissions.**

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The applicant shall submit a copy of the approved plan as well as 8 copies of the proposed subdivision revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan, and shall show the title of the subdivision and the Book and Page or Cabinet and Sheet on which the original plan is recorded at the Registry of Deeds. If the revision involves the creation of not more than four lots or dwelling units and no street the procedures and submission requirements for minor subdivision in Article 6 shall be followed. If the revision involves the creation of additional lots or dwelling units or the creation of a street, the procedures and submission requirements for preliminary plan approval in Article 7 shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units or a street, the procedures and submission requirements for final plan approval in Article 8 shall be followed.

**9.3 Scope of Review.**

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

A. All changes to any approved subdivision by any person, whether it is the original subdivider or not, are required to be resubmitted to the Planning Board for review and approval. Accordingly, the following guidelines are to be followed for the implementation of this requirement.

1. Any changes to an approved subdivision that involves a modification of any detail shown on the approved plan or an amendment or alteration of any condition of a subdivision's approval shall be submitted to the Planning Board for review and approval before implementation of the change. This applies to all details shown on the plan or within a subdivisions Findings of Fact & Decisions with the exception of ownership. Any items that may be questionable shall be reviewed with the Planning Board for a decision.
    a. The Planning Board shall review these modifications, amendments, and changes in compliance with the requirements of the applicalbe Articles 6, 7, or 8 and Articles 10 and 11.
2. If the proposed change creates additional lots, dwelling units or a street, the full procedure, submission and review requirements shall be applied per Article 7, 8, 10 and 11. The base fee shall be paid and the per lot/dwelling unit fee shall apply only to the additional lots created by the proposed subdivision revision.
3. All details required of Article 6, 7, 8, 10 and 11 shall be furnished to the Board as requested, including all existing building locations, the location of septic systems and wells, as well as any other as-built locations of specific items that have been placed or added since the original Plan was approved.

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# ARTICLE 10 - INSPECTIONS AND ENFORCEMENT

**10.1 Inspection of Required Improvements.**

A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:

1. Notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
2. Deposit with the municipal officers a check for the amount to cover the cost of third party inspections based on an estimate prepared by the third party inspector. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit additional escrow to cover the third party inspector's continued estimated costs of construction monitoring.

B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the inspecting official shall so report in writing to the municipal officers, Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Planning Board to modify the plans in accordance with Article 9.

D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether stormwater and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.

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E. Prior to the sale of any lot, or issuance of a building permit, the subdivider shall provide the Code Enforcment Officer with a letter from a professional land surveyor, stating that all monumentation shown on the approved subdivision plan has been installed.
F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations, Article 11. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
G. "As-built" plans shall be submitted to the municipal officers depicting monumentation, right-of ways, easements, boundaries, existing structures, drainage facilities, utitilities, adjacent wells, and septic systems prior to the issuance of the last Occupancy Permit in the subdivision.
H. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks to maintain a passible condition to allow for emergency vehicle access. Once the subdivider transfers ownership to the Homeowners' Association or Condominium Association, they shall be reponsible for maintenanc of all improvements and snow removal. Upon acceptance of the improvements or street by the municipality, responsibility may tranfer to the municipality.

**10.2 Violations and Enforcement.**

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

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G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452. Any person who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished in accordance with the provisions of 30-A M.R.S.A. § 4452.

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# ARTICLE 11 - PERFORMANCE & DESIGN STANDARDS

The performance and design standards in this article are intended to clarify and expand upon the statutory review criteria found in Article 1, section 2. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards and make findings that each has been met prior to the approval of a subdivision plan. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or shall be met.

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

## 11.1 Basic Subdivision Layout

A. Lots.

1. Wherever possible, side lot lines shall be perpendicular to the street.
2. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulations and conditions placed on the original approval.
3. If a lot on one side of a stream (as defined in the DEP Minimum Shoreland Zoning Guidelines), tidal water, or road 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.
4. The ratio of lot length to width, outside of the shoreland zone, shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. 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.
5. In areas served by a postal carrier, lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Board.

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6. Post Office common mailboxes or individual mailboxes requirements to be identified. Common mailboxes must be located as to not create a sight-distance obstruction or traffic hazard.

B. Utilities.

1. Utilities serving subdivisions in areas designated by the Comprehensive Plan as growth areas shall be installed underground.
2. Utilities serving lots with a street frontage of 125 feet or less shall be installed underground.
3. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordable housing in the Comprehensive Plan.
4. Underground utilities shall be installed prior to the installation of the final gravel base of the road.
5. 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.

C. Monuments.

1. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.

2. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.

3. Stone or concrete monuments shall be a minimum of four inches square at the top and three feet in length, and set in the ground at final grade level. After they are set, drill hole 1/2 inch deep shall locate the point or points described above.

4. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

**11.2 Sufficient Water.**

A. Water Supply.

1. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.
   a. Due to the increased chance of contamination from surface water, dug wells shall be prohibited. The applicant shall prohibit dug wells by deed restrictions and a note on the plan.
   b. Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from or level with the

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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.

2. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
3. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

B. Water Quality.

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

C. Fire Protection.

1. The dwellings within the subdivision shall be constructed with the installation of a residential sprinkler system meeting NFPA 13D standards; or the subdivider shall construct on-site dry hydrants connected to ponds or water storage tanks; or provide on-site fire hydrants connected to a public water source; or implement an alternative program approved by the Fire Department to provide for adequate on-site water for fire-fighting purposes within the subdivision.
2. A fire pond or cistern shall have a minimum usable capacity of 30,000 gallons at all times. The top 2 feet and the bottom 2 feet shall be excluded when calculating the usable capacity of a fire pond due to sediment and freezing.
3. An easement shall be granted to the municipality providing access to the hydrants or to undertake other improvements where necessary. Unless located on a Town property, the developer or homeowners' association or condominium association shall be responsible for all maintenance and repair of a fire pond or cistern.
4. If a subdivision has fewer than 10 lots or dwelling units or any combination of lots and dwelling units, the Board, may waive the requirement for an adequate on-site water supply only upon submittal of evidence that:
    a. There is an existing fire pond or cistern with public access, fire hydrant connected to public water, or another water source acceptable to the Fire Department within 2,500 feet of the subdivision; and
    b. The Fire Department has determined that the proposed water source has sufficient capacity to

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serve the needs of the subdivision and any other lots or uses currently using or relying on the water source for fire protection. The applicant shall provide information to include the usable volume of the water source, how many lots are within half of a mile of the water source and any other relevant data found necessary by the Planning Board.

c. For purposes of this section, the 2,500 foot distance is measured from the pond, water source or fire hydrant to the farthest driveway within the subdivision along routes that fire trucks can safely travel year round.

**11.3 Erosion and Sedimentation and Impact on Water Bodies**

A. The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
C. Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
D. 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. Topsoil shall not be removed from the site until completion of construction and inspection by the Town to assure four inches of topsoil has been spread over all areas to be grassed.

**11.4 Sewage Disposal**

A. Private Systems.
   1. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge, licensed by the Department of Environmental Protection.
   2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
      a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to a disposal area on soils which meet the Disposal Rules.
      b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted in the deed so as not to be built upon.

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c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

## 11.5 Solid Waste

A. A subdivision with individual lots with a public or private road shall designate a location for trash and recyling pick up in a location found acceptable by the Solid Waste Company that services the municipality.
B. Any Multifamily, Apartment, or Condominium subdivision that is on a private road and has common land or facilities shall provide a central location for household trash. This shall include a dumpster within a locked, solid fence enclosed area, to serve the residents of the subdivision. Recycling containers shall also be provided at the same location.

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

A. Preservation of Natural Beauty and Aesthetics.
    1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
    2. Except in areas of the municipality designated by the Comprehensive Plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads. Outside of designated growth areas, a subdivision in which the land cover type at the time of application is forested, shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.
    3. The Board may require the application to include a landscape plan that will show the preservation of any existing large specimen trees, the replacement of trees and vegetation, and graded contours.
    4. Unless located in areas designated as a growth area in the Comprehensive Plan, building locations shall be restricted from open fields, and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of buildings when viewed from existing public streets. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty feet apart.
    5. When a proposed subdivision contains a ridge line identified in the Comprehensive Plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within

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50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.

B. Retention of Open Spaces and Natural or Historic Features.
   1. 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.
   2. If any portion of the subdivision is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
   3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the Comprehensive Plan, National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.
   4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the subdivision. In any subdivision with no more than five lots or dwellings units, no dedicated open space is required. In any subdivision with at least six lots or dwelling units and no more than 10 lots or dwelling units, there shall be a minimum of 10% or 20,000 square feet, whichever is greater, of the total property net area dedicated as open space. Off-site dedication of open space land may be approved by the Planning Board if excess land is provided and the land has a greater benefit to the public than land within the development. In any subdivision with more than 10 lots or dwelling units, there shall be a minimum of 35% of the total property net area dedicated as open space.
   5. Land to be reserved as dedicated Open Space shall have such access as the Board may deem suitable and no less than 25 feet of street frontage.
   6. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
   7. Reserved open space land may be dedicated to the municipality or other conservation land trusts.

C. Protection of Significant Wildlife Habitat.
   1. If any portion of a proposed subdivision lies within the distances or areas noted below, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. There shall be no cutting of vegetation within such areas, or within the

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strip of land extending at least 75 feet from the edge or normal high-water mark of such habitat areas. The applicant must consult with the Maine Department of Inland Fisheries and Wildlife, and provide their written comments to the Board. The Board may require a report to be submitted, prepared by a wildlife biologist, selected or approved by the Board, with demonstrated experience with the wildlife resource being impacted. 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 any additional appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

a. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife Beginning with Habitat Project or the Comprehensive Plan as:
    i. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
    ii. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
    iii. Shorebird nesting, feeding and staging areas and seabird nesting islands;
    iv. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or
b. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;
c. Or other important habitat areas identified in the Comprehensive Plan or in the Department of Inland Fisheries and Wildlife Beginning with Habitat Project;

D. Protection of Important Shoreland Areas.

1. 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.
2. Within areas subject to the state mandated shoreland zone, within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The plan notes, and deeds to any lots which include any such land, shall contain the following restrictions:
    a. Tree removal shall be limited to no more than 40% of the volume of trees 4 inches or more in diameter

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measured at 4 1/2 feet above the ground level on any lot in any ten year period.

b. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown.

c. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the foot path shall be limited to six feet.

d. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.

e. Pruning of tree branches, on the bottom third of the tree is permitted.

3. Within areas subject to the state mandated shoreland zone, beyond the buffer strip designated above, and out to 250 feet from the normal high water line of a water body or upland edge of a wetland, cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, shall not exceed in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

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

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

a. The owners of the lots or dwelling units by means of a Homeowners' Association;

b. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or

c. The municipality.

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

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easement deeded to the municipality prohibiting future development.

3. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
    a. It shall not be used for future building lots; and
    b. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.
4. The final plan application shall include the following:
    a. Covenants for mandatory membership in the Homeowners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
    b. Draft articles of incorporation of the proposed Homeowners' association as a not-for-profit corporation; and
    c. Draft by-laws of the proposed Homeowners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
5. In combination, the documents referenced in paragraph E4 above shall provide for the following.
    a. The homeowners' association shall have the responsibility of maintaining the common property or facilities.
    b. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
    c. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
    d. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Board upon request of the lot owners' association or the developer.

**11.7 Conformance with Zoning Ordinance and Other Land Use Ordinances.**
All lots, other than those found within cluster or planned unit developments approved pursuant to applicable zoning ordinance requirements, shall meet the minimum dimensional requirements of the zoning ordinance for the zoning

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district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance and other land use ordinances.

**11.8 Financial and Technical Capacity.**

A. Financial Capacity.

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

B. Technical Ability.

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

**11.9 Impact on Ground Water Quality or Quantity.**

A. Ground Water Quality.

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
   a. A map showing the basic soils types.
   b. The depth to the water table at representative points throughout the subdivision.
   c. Drainage conditions throughout the subdivision.
   d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
   e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
   f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. Projections of ground water quality shall be based on the assumption

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of drought conditions (assuming 60% of annual average precipitation).

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity.

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

**11.10 Floodplain Management.**

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

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

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**11.11 Identification of Freshwater Wetlands, Rivers, Streams or Brooks.**

Freshwater wetlands within the proposed subdivision shall be identified in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, or most current edition available, published by the United States Army Corps of Engineers. Any rivers, streams, or brooks within or abutting the proposed subdivision shall be identified.

**11.12 Stormwater Management**

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

B. 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.

C. 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, as described in Appendices A, B and C of the *LID Guidance Manual for Maine Communities* dated 9-21-2007 by Horsley Witten Group, or most current edition available.

D. For subdivisions within the watershed of a Great Pond a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the DEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. Subdivisions containing:

1. five or more lots or dwelling units created within any five-year period; or
2. any combination of 800 linear feet of new or upgraded driveways and/or streets;

E. The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a "Downstream Analysis" under conditions of the 10-year, 24-hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm, as described below:

Downstream Analysis Methodology:

The criteria used for the downstream analysis is referred to as the "10% rule." Under the 10% rule, a hydrologic and hydraulic analysis for the 10-

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year, 24 hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a 10-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.

**11.13 Cluster Developments and Planned Unit Developments**

Cluster and Planned Unit Developments shall be designed in accordance with the Performance Standards of Section 7.17 of the Dayton Zoning Ordinance.

**11.14 Compliance with Timber Harvesting Rules.**

The Board shall ascertain that any timber harvested on the parcel being subdivided, has been harvested in compliance with rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning 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 Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry 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 Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it 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, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

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**11.15 Traffic Conditions and Streets**.

A. General Standards

1. The proposed subdivision shall meet the following general transportation performance standards:
    a. The subdivision transportation system shall provide safeguards against hazards to vehicles, bicyclists and pedestrians in interior subdivision streets and access connections to external streets;
    b. The subdivision transportation system shall have design standards that avoid traffic congestion on any street;
    c. The subdivision transportation system shall provide safe and convenient circulation for vehicles, bicyclists and pedestrians on interior subdivision streets and access connections to external streets;
    d. The subdivision transportation system shall have design standards that are compatible with the estimated Average Annual Daily Traffic of the street, the land uses accommodated by the street, and the lot density of the street; and
    e. The subdivision transportation system shall have a positive relationship to the natural setting of the proposed subdivision site.

B. General Access Standards.

1. All subdivision accesses connecting with external streets shall meet the following standards:
    a. Accesses connecting to any state or state-aid highway shall meet the minimum access permitting requirements of the Maine Department of Transportation “Highway Driveway and Entrance Rules”;
    b. Accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour shall meet the minimum access permitting requirements of the Maine Department of Transportation “Rules and Regulations Pertaining to Traffic Movement Permits”.
2. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of streets or intersections neighboring the subdivision to a LOS of “E” or below, unless:
    a. The Comprehensive Plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection; or
    b. The level of service of the road or intersection will be raised to D or above through transportation demand management techniques; or
    c. The applicant provides evidence that it is not possible to raise the level of service of the road or intersection to D or above by road or

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intersection improvements or by transportation demand management techniques, but improvements will be made or transportation demand management techniques will be used such that the proposed development will not increase delay at a signalized or unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the horizon year; or

d. Improvements cannot reasonably be made because the road or intersection is located in a commercial industrial or mixed use district or because implementation of the improvements will adversely affect a historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical; or

e. The development is located in a designated growth area, in which case the applicant shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise provided in this subsection if needed to address safety issues; or

f. In the case of unsignalized intersections, if traffic with the development in place would not meet the warrant criteria for signalization or turning lanes, as set forth in the Federal Highway Administration's "Manual on Uniform Traffic Control Devices," (1988), then the municipal reviewing authority may reduce the mitigation requirement for those measures so long as the resulting traffic conditions provide for safe traffic movement.

3. Accesses to non-residential subdivisions or to multifamily developments, cluster developments or planned unit developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.

C. General Internal Subdivision Street Standards

1. All internal subdivision streets shall meet the following minimum standards. In cases where the internal subdivision street standards conflict with the street ordinance of the municipality, the more stringent rule shall apply.

a. The street or street system of the proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets.

b. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs

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shall be provided as deemed necessary by the municipality to provide access to abutting properties or to logically extend the street system.

c. All street stubs shall be provided with temporary turn around or cul-de-sacs, and the restoration and expansion of the street shall be the responsibility of any future developer of the abutting land.

d. Minor collector and local streets shall connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

2. Where necessary to safeguard against hazards to vehicle drivers, bicyclists and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycleways, transportation demand management techniques, and traffic controls within existing public streets.

3. Street Names, Signs and Lighting.

   a. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name.

   b. 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 911 Addressing Officer prior to Final Plan approval.

   c. No street name shall be the common given name of a person.

   d. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation.

   e. Street lighting shall be installed as approved by the Board.

4. During street construction, the entire right of way shall not be cleared unless clearing is necessary for utilities, drainage or other infrastructure necessities beyond the clear zone. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire right of way created during the street construction process. If on-site disposal of the stumps and debris is proposed, the disposal site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

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**11.16 Specific Access and Street Design Standards**.

A. Access Control.

1. To the maximum extent practical, all subdivision accesses shall be constructed perpendicular to the external street providing access to the subdivision. No subdivision accesses shall intersect the external street at an angle of less than 60 degrees.
2. Where a subdivision abuts or contains an existing or proposed arterial street, no lot may have vehicular access directly to the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.
3. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots. In cases where creating an access to a lesser traveled way is problematical, the Board may allow an access on the higher volume street if the access does not significantly detract from public safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage on the external street, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic. In cases where the double frontage lot has frontage on two Maine Department of Transportation designated non-compact arterials, the access shall meet the permitting standards of the Maine Department of Transportation "Highway Driveway and Entrance Rules".
4. Lots in subdivisions with frontage on a state or state aid highway shall have shared access points to and from the highway. Normally a maximum of two vehicular accesses shall be allowed regardless of the number of lots or businesses served.
5. The subdivision access including all radii must be paved from the edge of pavement of the external street to the street right of way or the length of the design vehicle using the subdivision, whichever is greater, unless:
    a. The external street is not paved; or
    b. The internal subdivision street is an unpaved private street that is expected to carry an Average Daily Traffic capacity of 50 trips or less.
6. Minimum Sight Distance Standards
    a. Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access.
    b. For accesses that are expected to carry primarily passenger vehicles, the standards in the second column in Table 11.16-1 shall apply.

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**Table 11.16-1. Minimum Sight Distance Standards for Subdivision Accesses**

| Posted Speed (MPH) | Sight Distance Standard Vehicles (Feet) | Sight Distance Larger Vehicles (Feet) | Mobility Sight Distance (Feet) |
|---|---|---|---|
| 20 | 155 | 230 | Not applicable |
| 25 | 200 | 300 | Not applicable |
| 30 | 250 | 375 | Not applicable |
| 35 | 305 | 455 | Not applicable |
| 40 | 360 | 540 | 580 |
| 45 | 425 | 635 | 710 |
| 50 | 495 | 740 | 840 |
| 55 | 570 | 855 | 990 |
| 60 | 645 | 965 | 1,150 |

c. For accesses that are estimated to carry more than 30% of their traffic in vehicles larger than standard passenger vehicles, the standards in the third column of Table 11.16-1 shall apply.

d. On roads that are designated by the Maine Department of Transportation as Mobility or Retrograde Arterials, the third column in Table 11.16-1 shall apply.

7. Access design shall be based on the traffic volume estimates anticipated to be carried by the internal subdivision street. Traffic volume estimates shall be defined by the latest edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers. The following traffic volume standards shall apply to the design of subdivision accesses connecting to external streets:

   a. Low Volume Access: An access with 50 or less passenger car equivalent trips per day.

   b. Medium Volume Access: Any access with more than 50 passenger car equivalent trips per day but less than 100 passenger car equivalent trips during the peak hour.

   c. High Volume Access: Any access with 100 or more passenger car equivalent trips during the peak hour.

8. Basic Access Design Standards for Low and Medium Volume Accesses

   a. The following minimum access design standards shall apply to all low and medium volume accesses connecting to external streets:

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**Table 11.16-2. Access Design Standards for Low and Medium Volume Accesses**

| *Basic Standards* | | *Low Volume* | *Medium Volume* |
|---|---|---|---|
| | | (feet) | (feet) |
| Minimum Access Width:* | | | |
| | *Majority Passenger Vehicles* | 14 | 22 |
| | >30% Larger Vehicles | 30 | 30 |
| Minimum Curb Radius: | | | |
| | Majority Passenger Vehicles | 10 | 15 |
| | >30% Larger Vehicles | 15 | 15 |
| Minimum Corner Clearance to:** | | | |
| | Unsignalized Intersection | 75 | 100 |
| | Signalized Intersection | 125 | 125 |
| Minimum Access Spacing***: | | | |
| | MPH of External Road | | |
| | 35 or less: | No Requirement | No Requirement |
| | 40 | 175 | 175 |
| | 45 | 265 | 265 |
| | 50 | 350 | 350 |
| | 55 or more | 525 | 525 |

*Minimum widths for low or medium volume accesses shall be either the minimum cross section width of the internal subdivision street or the minimum access width in Table 12.2.-2, whichever width is greater.
**Minimum corner clearance shall be the distance measured from the edge of an internal subdivision access excluding radii t the edge of an external street excluding radii.
***Minimum access spacing shall be the distance measured from the edge of an internal subdivision access excluding radii tc the edge of a neighboring access excluding radii.

9. Additional Access Requirements for Medium Volume Accesses
   a. In addition to the basic access standards outlined in 11.16-2., medium volume accesses on state or state-aid highways designated as Major Collectors or Arterials shall also comply with the following standards:
      i. The minimum curb radius on the edge of the access shall exceed the minimum curb radius standard in 11.16-2 if a larger design radius is needed to accommodate a larger design vehicle.
      ii. A throat shall be constructed around the access in order to store vehicles waiting to exit the access. The throat shall be of sufficient length to prevent incoming vehicles from queuing back into the highway. Access from the throat to parking or other areas shall be prohibited.
      iii. A separator strip or strip of land that separates the roadway from the throat or parking area shall be constructed. The access separator strips shall be installed between the parking area and the roadway and along the throat. The Board shall determine if the separator strip shall include curbing, walkways, ditching, and/or vegetation. The separator strip shall extend away from the highway at a minimum of 9 feet from the traveled way of the external road.
10. The Board shall determine if one two-way or two one-way access(es) will be required for the proposed subdivision.

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b. If a one-way system is required and the predominant traffic volume is truck traffic, the entrance will be configured on the minimum angle that permits the truck to enter or leave the highway safely and conveniently.
c. Otherwise all one way accesses will be configured perpendicular to the highway for at least the length of the design vehicle. For one-way access systems, the Board shall determine if a physical separation of curbing, ditching, grass or other landscaping must be used between the two one-way accesses. Both portions of a one-way access must be separated from another one-way access by at least 12 feet.

11. All high volume accesses shall meet the requirements of the Maine Department of Transportation's "Rules and Regulations Pertaining to Traffic Movement Permits." A copy of the Maine Department of Transportation's required traffic study shall be submitted to the Board. The Board shall develop design standards for the proposed subdivision access based on the findings of the traffic study submitted to the Maine Department of Transportation. The design standards shall be compatible with the construction standards cited in Section 11.17 of the Subdivision Regulations.

**11.17 Street Design and Construction Standards**.

A. General Requirements.

1. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
2. Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
   a. Date, scale, and north point, indicating magnetic or true.
   b. Intersections of the proposed street with existing streets.
   c. Roadway and right-of-way limits including edge of pavement or aggregate base, edge of shoulder, clear zone, sidewalks, and curbs.
   d. 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.
   e. Complete curve data shall be indicated for all horizontal and vertical curves.

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f. Turning radii at all intersections.
g. Centerline gradients.
h. Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

3. Upon receipt of plans for a proposed public street the Board shall forward one copy to the municipal officers and the Road Commissioner for review and comment.
4. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.
5. Private Streets
   a. The following standards shall apply to all proposed private streets:
      i. All private streets shall be designated as such and will be required to have adequate signage indicating the street is private and not publicly maintained.
      ii. Except for sidewalk, bicycle provisions and minimum grade requirements stipulated in this Section, all private streets shall adhere to the street design standards of this Section.
      iii. All properties served by the private street shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.
      iv. All private streets shall have adequate provisions for drainage and stormwater runoff as provided in Section 11.12.
      v. Where the subdivision streets are to remain private streets, the following words shall appear on the recorded plan: "All streets in this subdivision shall remain private streets to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town.
      vi. A road maintenance agreement shall be reviewed by the Board prior to Final Plan approval and shall be recorded with the deed of each property to be served by a common private street. The agreement shall provide for a method to initiate and finance a private-street and maintain that street in condition, and a method of apportioning maintenance costs to current and future users.

B. Street Design Standards.
   1. These design guidelines shall control the roadway, shoulders, clear zones, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and

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will meet the performance standards of this Article.

a. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.
b. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.
c. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), 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 included in the municipality's Capital Investment Plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.
d. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections 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. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to 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.
e. The design standards of Table 11.17-1 shall be compatible with the traffic volume access thresholds referenced in Section 11.16.A.7. In addition, the street design standards shall be compatible with the estimated Average Daily Traffic expected to occur on the internal subdivision street, and the land use type and lot density allowed in the land use zone. The following land use density pattern requirements shall be required for the following land use zones.
    i. Land use density patterns that are Rural (R) shall apply to the following zones: Rural Forest, Rural Fields
    ii. Land use density patterns that are Village/Urban (V/U) shall apply to the following zones: Village
    iii. Land use density patterns that are Commercial/Industrial (C/I) shall apply to the following zones if the proposed development will contain commercial or industrial uses: Commercial, Mixed Use.

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**Table 11.17-1 (Section A). Street Design Guidelines**

| Access Category | Low Volume | | | Medium Volume | | | | | | | | | | | | High Volume | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Traffic Volume Level | 1-50 ADT | | | 50-100 ADT | | | 100-400 ADT | | | 400-1500 | | | 1500+ | | | 100 PCE+ | | |
| Density Pattern | R | V/U | I/C | R | V/U | I/C | R | V/U | I/C | R | V/U | I/C | R | V/U | I/C | R | V/U | I/C |
| Minimum Right of Way | 40' | 40' | 40' | 40' | 40' | 50 | 50 | 50 | 50 | 50 | 50 | 60 | 60 | 60 | 60 | 60 | 60 | 60 |
| Minimum Traveled Way Width | 14' | 16' | 16' | 18' | 18' | 24' | 18' | 20' | 28' | 18' | 20' | 30' | 20' | 22' | 30' | 22' | 24' | 30' |
| Minimum Shoulder Width (each side)* | 0' | 0' | 4' | 0' | 1' | 2' | 2' | 1' | 2' | 2' | 2' | 4' | 3' | 4' | 5' | 3' | 4' | 5' |
| Clear Zone Width (each side) | 7' | 7' | 7' | 7' | 7' | 7' | 7' | 7' | 7' | 8' | 8' | 8' | 8' | 8' | 8' | 8' | 8' | 8' |
| Minimum Vertical Clearance** | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' | 14' |
| Minimum Grade | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.5 |
| Maximum Grade*** | 8% | 8% | 5% | 8% | 8% | 5% | 8% | 8% | 5% | 6% | 6% | 5% | 6% | 6% | 5% | 5% | 5% | 5% |
| Minimum Centerline Radius**** | 100' | 100' | 350' | 100' | 100' | 350' | 100' | 100' | 350' | 140' | 140' | 350' | 140' | 140' | 350' | 350' | 350' | 350' |
| Roadway Crown Asphalt Surface | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25"/ft | .25" |
| Roadway Crown Aggregate Surface | .5"/ft | N/A | N/A | .5"/ft | N/A | N/A | .5"/ft | N/A | N/A | .5"/ft | N/A | N/A | .5"/ft | N/A | N/A | .5"/ft | N/A | N/A |
| Minimum Internal Sight Distance | 155' | 155' | 230' | 155' | 155' | 230' | 155' | 155' | 230' | 155' | 155' | 230' | 155' | 155' | 230' | 155' | 155' | 230' |
| Minimum Internal Spacing Standards***** | 25' | 25' | 40' | 25' | 25' | 40' | 25' | 25' | 40' | 25' | 25' | 40' | 25' | 25' | 40' | 25' | 25' | 40' |
| Minimum Internal Access to Street Corner Clearance****** | 30' | 30' | 75' | 30' | 30' | 75' | 30' | 30' | 75' | 30' | 30' | 75' | 30' | 30' | 75' | 30' | 30' | 75' |

*The Board may require an increase in shoulder width for stormwater management purposes or road stabilization.
**The minimum vertical clearance is the vertical clearance over the entire roadway width, including any shoulders.

***Maximum grade may be exceeded for a length of

****Superelevation is not recommended for any subdivision street, unless recommended by Town engineer or Town-hired consultant.
*****Internal spacing distances are measured from the edge of one internal subdivision access to another, excluding curb radii.
******Internal access to street corner clearances are measured from the edge of an internal subdivision access to an intersecting public road,
excluding curb radii.

## Table 11.17-1 (Section B). Street Design Guidelines

The street design guidelines used in the *Model* were developed to be compatible with the low, medium and high traffic volume thresholds used to guide access design in Section 10.15.1.A.7. These standards are further broken down by the estimated traffic volume expected to be served by the internal subdivision street, and the "density pattern" defined by zone in Section 10.15.1.B.2.f. The road standards were developed to correspond with ADT and zoning density information in order to provide Board's with context sensitive design criteria for geometric road standards.

The right-of-way must be wide enough to contain the traveled way, the clear zone, curbing or shoulders where constructed, and drainage swales or utility infrastructure where they are needed. Streets wider than necessary may have unintended deleterious effects on the visual characteristics of an area. Full grading of the right-of-way should not take place, if it is not necessary.

The traveled way must be wide enough to allow safe passage of vehicles in either direction, yet should not be wider than necessary. Wider roads tend to compromise the intended design speed of the street. In the preparation of the *Model*, several sources were consulted. The recommendations contained herein are based on references that advocate minimal widths without compromising safety or access for emergency vehicles.

Shoulders have multiple purposes for streets. At a minimum, shoulders may be required for stormwater management purposes or for road stabilization. The shoulder guidelines in Table 10.15-3 are based on the assumption that shoulders are not needed for stormwater management or road stabilization. For residential access streets with low Average Annual Daily Traffic in particular, shoulders are discouraged to minimize maintenance costs (other than mowing) and maintain the narrow appearance of the street in order to discourage speeding. An additional benefit to shoulders is that they can have some safety benefits to pedestrians that don't have sidewalks, bicyclists, or cars that don't have parking lanes dedicated to them on the side of the street. Further on in this section, the *Model* provides some direction for Boards interested in providing additional shoulder lengths for sections of road that can be expected to have a high demand of pedestrian and bicycle activity or demands for on-street parking.

Clear zone widths are sometimes confused with shoulder widths. The clear zone does not require a base above the natural topography of the ground, except for cut and fill alterations for stormwater management. The clear zone is an area that can be used as a snow removal location in the winter, it can serve the function of a shoulder and provide some space for an occasional vehicle to park, or provide space to an occasional pedestrian walking down a street.

The 14 foot minimum vertical clearance is designed to accommodate service delivery vehicles, emergency vehicles, or large trucks.

A minimum grade is required to prevent standing water from accumulating within the street.

The maximum permissible grade is often a trade-off between minimizing construction costs and maximizing safety. ITE's Recommended Guidelines vary the maximum permissible grade depending on the general terrain of the area. ITE suggests a 4% maximum grade in generally level (grade range of less than 8%) areas, an 8% maximum grade in rolling (grade range of 8% - 15%) areas and a 15% maximum grade in hilly (grade range of over 15%) areas. However, ITE also suggests that areas with winter icing conditions "may prefer" a maximum grade of 8%. The *Model* therefore suggests maximum grades of 8% or less. The footnote to the table does permit the maximum grade to be exceeded for short lengths.

A minimum centerline radius controls how sharp a curve may be designed into a street. The Model does not recommend superelevating any curves, because the design speeds for all subdivisions in this Model are designed for slow speeds.

A roadway must be crowned (higher in the center) to provide adequate drainage of storm water from the traveled surface. Aggregate surface streets require more crown due to their relative surface roughness.

Internal sight distances are inserted into the internal design of the subdivision street so that sight distance obstructions including vegetation, structures, and vertical and horizontal curves do not compromise the safety of drivers, pedestrians, and bicyclists using the subdivision street.

Internal spacing standards are applicable to the accesses inside the subdivision and their relationship to one another. This distance is represented by the edge of one driveway or entrance to another not including the curb radius.

Internal access to street corner clearance refers to the distance from the edge of the driveways and entrances (not including curb radii) internal to the subdivision to intersecting public streets.

f. The following design standards apply to subdivision streets:

| Description | Dimension |
|---|---|
| Minimum Right of Way Width | 50’ |
| Minimum Traveled Way | 20’ |
| Shoulder Width | 3’ |
| Maximum Grade | 6% |
| Roadway Crown | 1/4/ft |
| Angle of all Road Intersections | 90% |
| Maximum Grade within 75’ of Intersections | 2% |
| Minimum Curb Radii at Intersections | 25’ |
| Minimum r/0/w Radii at Intersections | 10’ |

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

h. On Street Parking.

   i. The Board shall have authority to require a paved cross section of 26 feet for residential subdivisions with average lot widths between 100 feet and 40 feet wide for on-street spillover parking.

i. Curbs.

   i. Curbs shall be installed for stormwater purposes and/or to protect the pavement edge from unraveling along parking lanes or in very intensive developments where heavy use may erode the planted area at the edge of the pavement.

   ii. Curbs for stormwater management shall be contingent on the stormwater design standards specified in Section 11.12. If curbs are not necessary for stormwater management purposes, they are not required for subdivisions in which the average lot width is 100 feet or greater.

   iii. If the Board requires a vertical curb and no parking lane is present, a minimum shoulder of 2 feet is recommended from the traveled way to the curb.

   iv. For sloped curbs where no parking lane is present, a minimum 1 foot shoulder is required from the traveled way to the curb.

   v. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness.

   vi. Bituminous curbing shall be installed on the base course of the pavement.

j. The Board may require additional shoulder lengths in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other bicycle traffic generators suggest that additional shoulder lengths will be needed for bicycle traffic. In situations where additional shoulder lengths are required for bicyclists, the minimum width of a paved shoulder shall be 5 feet with painted lines designating it as a bicycle/walking lane.

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2. Dead End Streets.
    a. In addition to the design standards, in Table 11-17-1, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii:
    b. Property line 100 ft.; outer edge of pavement 82 ft.; inner edge of pavement 58 ft.;
    c. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac.
    d. The Board shall require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street.
    e. The Board may also require the reservation of a right-of-way easement equal to the right of way width of the internal subdivision street in line with the street to provide continuation of the street where future subdivision is possible.
    f. A T-turn around is permissible for residential subdivisions carrying an ADT of 100 trips or less. The turn around area shall have a width equal to the street width, a 5 foot turning radius, and a total length of 50 feet centered above the street.
3. Sidewalks.
    a. The Board may require sidewalks in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other pedestrian traffic generators suggest sidewalks will be needed.
    b. The Board may require paved shoulders in place of sidewalks at the Boards discretion.
    c. The Board shall determine if sidewalks will be installed on one side or both sides of the street, and if the sidewalk shall be a bituminous or Portland cement concrete sidewalk or other surface found suitable.
    d. Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed. If no shoulder is required, the sidewalk shall be located a minimum of 4 feet from the edge of the traveled way.
    e. Bituminous Sidewalks shall be constructed as follows:
        i. The “subbase” aggregate course shall be no less than twelve inches thick after compaction.
        ii. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.
    f. Portland Cement Concrete Sidewalks shall be constructed as follows:
        i. The “subbase” aggregate shall be no less than twelve

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inches thick after compaction.

ii. The portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

C. Street Construction Standards.

1. The minimum thickness of material after compaction shall meet the specifications in Table 11.17-2:

**Table 11.17-2. Minimum Pavement Materials Thickness**

| Street Materials | Thickness Standards |
|---|---|
| **Aggregate Subbase Course (Max. sized stone 6")** | |
| Without base gravel | 18" |
| With base gravel | 15" |
| **Crushed Aggregate Base Course** | |
| (if necessary) | 3" |
| **Hot Bituminous Pavement** | |
| Total Thickness | 3" |
| Surface Course | 1 1/4" |
| Base Course | 1 3/4" |
| **Surface Gravel** | |
| (if permissible) | 3" |

2. Preparation.

a. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals by a Professional Land Surveyor.

b. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, clear zones, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

c. All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.

d. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.

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e. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

3. Bases and Pavement.
   a. Bases/Subbase.
      i. The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 11.17-3

**Table 11.17-3. Aggregate Subbase Grading Requirements**

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

      ii. Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.
      iii. If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course.
      iv. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 11.17-4.

**Table 11.17-4. Base Course Grading Requirements**

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

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

b. Pavement Joints.

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

c. Pavements.

i. Base Layer

1) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics.

2) The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

ii. Surface Layer

1) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics.

2) The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

d. Surface Gravel.

i. The Board may approve an aggregrate road base for any internal subdivision street in which zoning requires a minimum of one dwelling unit per 5 acres or any private way with a maximum estimated Average Daily Traffic of 50 ADT or less.

ii. The surface gravel shall meet the gravel grading requirements of Table 11.17-5.

**Table 11.17-5. Surface Gravel Grading Requirements**

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

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# ARTICLE 12 - PERFORMANCE GUARANTEES

**12.1 Types of Guarantees.**

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

1. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;
2. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or
3. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers.

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

**12.2 Contents of Guarantee.**

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

**12.3 Escrow Account.**

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

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**12.4 Performance Bond.**

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

**12.5 Letter of Credit.**

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

**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 which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

**12.7 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 municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

**12.8 Default.**

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

**12.9 Improvements Guaranteed.**

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

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# ARTICLE 13 - WAIVERS

**13.1 Waivers of Certain Submission Requirements Authorized.**
Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations.

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

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

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

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# ARTICLE 14 - APPEALS

## 14.1 Appeals to Superior Court.

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

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