

**SUBDIVISION REGULATIONS  
For  
The Municipality of  
WOODSTOCK, MAINE**

**March 2004**

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SUBDIVISION REGULATIONS  
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## ARTICLE I. PURPOSES

The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Woodstock, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Woodstock, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the criteria of Title 30-A M.R.S.A. §,4404.

## ARTICLE II. 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.
- B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Woodstock, Maine."

### **2.2 Administration**

- A. The Planning Board of the Town of Woodstock, hereinafter called the Board, shall administer these standards.
- B. The provisions of these standards shall pertain to all land proposed for subdivision, as defined in Title 30-A M.R.S.A., 4401.4 within the boundaries of the Town of Woodstock.

## ARTICLE III. ADMINISTRATIVE PROCEDURE

- 3.1 Purpose.** The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.
- 3.2 Agenda.** In order to avoid unnecessary delays in processing applications for subdivision review, the chairman shall prepare an agenda for each regularly scheduled meeting. Applicants shall submit preliminary plans to the town office at least one week in advance of a regularly scheduled meeting. The secretary shall advise the chairman and CEO of any applications received so the application may be placed on the agenda. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.
- 3.3 Land.** For any subdivision a parcel of land determined at 10% of the developed area at the time the final plan is approved shall be dedicated for the use of the town at the discretion of the Planning Board. A cash payment in lieu of land dedication may be made based upon the following schedule: A standard fee of \$500/lot, regardless of size, that are developed and deeded to preclude further division shall be assessed the developer, or up to 5 acres - \$600/lot, more than 5 acres to 10 acres - \$700/lot and greater than 10 acres - \$800/lot. Such payment shall be received upon acceptance of the final approval. Any monies so received shall be placed in a separate account to be disbursed for land acquisition or improvement with the approval of the Planning Board and the Selectmen.

## ARTICLE IV. PREAPPLICATION

### 4.1 Procedure

- A. Applicant submission of sketch plans to the town office.
- B. Review of the application by the chairman and CEO.
- C. Presentation to the board by the applicant.
- D. Question and answer period. Board makes specific suggestions to be incorporated by the applicant to be incorporated into subsequent submissions.
- E. Scheduling of on-site inspection.

4.2 **Submission.** The Pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.

4.3 **Contour Interval and On-Site Inspection.** Within thirty days of the presentation of the preliminary plan to the board the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision, and hold an on-site inspection of the property.

4.4 **Rights not Vested.** The submittal or review of the preapplication sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., §302.

## ARTICLE V. MINOR SUBDIVISIONS

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

### 5.2 Procedure.

- A. Within six months after the on-site inspection by the Board, the subdivider shall submit to the town office an application for approval of a Final Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

- B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of \$100.00 and payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification.
- C. Upon receipt of the Final Plan the Board shall notify by mail all abutting property owners of the proposed subdivision.
- D. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
- E. Within forty five (45) days of receipt of a Final Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Board shall determine whether to hold a public hearing on the Final Application.
- F. If the Board decides to hold a public hearing, it shall hold the hearing within forty five (45) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.
- G. Within thirty days of a public hearing, or within sixty days of receipt of 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 subdivider, the Board shall make findings of fact on the application, receive the fee as outlined in Section 3.3 and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

### 5.3 Submissions

- A. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies 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 34 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 the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted.

The application for approval of a Minor Subdivision shall include the following information:

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.
2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed professional land surveyor. The corners of the tract shall be located on the ground and marked by approved monuments. The plan shall indicate the type of monument set or found at each lot corner.

3. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property, if any additional submissions including the Land Acquisition Fee as required in Article III Par. 3.3.
4. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.
5. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator and in compliance with the Maine Subsurface Waste Water Disposal Rules shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
6. Indication of the type of water supply system(s) to be used in the subdivision. When water will 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.
7. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider, and embossed with the seal and signed by the individual or company who prepared the plan, and the names of adjoining property owners.
8. A copy of the portion of the Oxford County Soil Survey covering the subdivision.
9. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
10. 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 shall be delineated on the plan.
11. A soil erosion and sedimentation control plan that employs the Best Management Practices as contained in the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices.
12. A plan for the disposal of surface waters prepared by a qualified professional knowledgeable in surface drainage.
13. The location of any fresh water wetlands.
14. The location of all rivers, streams, brooks, or drainage easements within or abutting the proposed subdivision.
15. The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.
16. Any portion of the subdivision that is within the watershed of a great pond shall be identified and a phosphorus impact analysis and control plan submitted.
17. The location of known archaeological resources.
18. A copy of the approved Driveway or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 26 or Route 232.

19. The name, condition and status (State or town maintained, private, discontinued, abandoned) of the road providing access to the proposed subdivision.
20. The cost of storm drainage, erosion and sediment control and other improvements proposed and statements of the applicant's technical and financial capacity to carry out the project as proposed.

## **ARTICLE VI. PRELIMINARY PLAN FOR MAJOR SUBDIVISION**

### **6.1 Procedure**

- A. Within six months after the on-site inspection by the Board, the subdivider shall submit to the town office an application for approval of a Preliminary Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$50 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of \$25 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant, and require that an additional \$10 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$10 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 final decision on the subdivision 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.
- C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- D. Upon receipt of the Preliminary Plan the Board shall notify by mail all abutting property owners of the proposed subdivision.
- E. Within forty-five days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
- F. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.
- G. Within thirty days of a public hearing, or within sixty days of receipt of 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 subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.



- H. 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 in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
  - 3. The amount of all performance guarantees which it will require as prerequisite to the approval of the Final Plan.
- I. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

## 6.2 Submissions

- A. **Location Map:** The Preliminary Plan shall be accompanied by a Location Map 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 any 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.
- B. **Preliminary Plan:** The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can be easily read. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval.
  - 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. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by suitable monumentation. The plan shall indicate the type of monument set or found at each lot corner.

3. A copy of the deed(s) from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
4. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
5. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
6. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.
7. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator and in compliance with the Maine Subsurface Waste Water Disposal Rules shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
8. Indication of the type of water supply system(s) to be used in the subdivision. When water will 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.
9. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner (s), subdivider, and individual or company who prepared the plan.
10. The names and addresses of owner(s) of record of adjacent property, including any property directly across an existing public street from the subdivision.
11. The location of any zoning boundaries affecting the subdivision.
12. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
13. The location, names and present widths of existing and proposed streets, highways, easement, building lines, parks and other open spaces on or adjacent to the subdivision.
14. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
15. The proposed lot lines with approximate dimensions and lot areas.
16. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
17. The location of any open space to be preserved and an indication of its improvement and management.
18. A soil erosion and sedimentation control plan endorsed by the Oxford County Soil and Water Conservation District.
19. A plan for the disposal of surface drainage waters prepared by a qualified professional knowledgeable in surface water drainage.

20. A copy of that portion of the county soil survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.
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 shall be delineated on the plan and a conditional of approval included that all 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.
22. The location of any fresh water wetlands.
23. The location of rivers, streams, brooks, and drainage ways within or abutting the proposed subdivision.
24. The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.
25. Any portion of the subdivision that is within the watershed of a great pond shall be identified and a phosphorus impact analysis and control plan submitted.
26. The location of known archaeological resources.
27. The name, condition and status (State or town maintained, private, discontinued, abandoned) of the road providing access to the proposed subdivision.
28. The cost of storm drainage, erosion and sediment control and other improvements proposed and statements of the applicant's technical and financial capacity to carry out the project as proposed.
29. Complete all sections of the "Fire Protection Survey for Subdivisions" developed by the Fire Department and provided through the Town Office.

## **ARTICLE VII. FINAL PLAN FOR MAJOR SUBDIVISION**

### **7.1 Procedure**

- A. The subdivider shall, within six months after the approval by formal vote of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.
- B. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
- C. The Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Board shall determine whether to hold a public hearing on the Final Plan application.

- D. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate.
1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resource Protection Act, Stormwater Management Act and/or if a Wastewater Discharge License is needed.
  2. Maine Department of Human services, if the subdivider proposes to provide a central water supply system.
1. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
- E. A public hearing may be held by the Board within forty-five days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing.
- When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.
- F. The Board shall notify the Road Commissioner, School Superintendent,--and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
- G. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Article X.
- H. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.
- I. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30-A, M.R.S.A. §4404 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute and 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 slated in the records of the Board.

## 7.2 Submissions

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch.

Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may, instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan.

The application for approval of the Final Plan shall include the following information.

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by approved monuments. The plan shall indicate the type of monument set or found at each lot corner.
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- E. Indication of the type of water supply system(s) to be used in the subdivision.  
  
When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller or a hydro geologist familiar with the area.
- F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
- G. The location of any zoning boundaries effecting the subdivision.
- H. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- I. The location, names and present widths of existing and proposed streets, highways, rights of ways, 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 the 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 length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.
- J. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.

- K. All parcels of land proposed to be dedicated to public use and the conditions of such dedication, if any, and additional submissions including the Land Acquisition Fee described in Article III, paragraph 3.3 must be determined and a check or other equal monetary means submitted to the Planning Board. Written offers of cession 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. 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 of cession shall be included.
- L. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots.
- M. 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 shall be delineated on the plan and a condition of approval included that all 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. A copy of the approved Driveway or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 26 or Route 232.

### 7.3 Final Approval and Filing

- A. No plan shall be approved by the Planning Board as long as the subdivider is in default or otherwise in violation of any previously approved Plan with the Town of Woodstock.
- B. For any subdivision a parcel of land determined at 10% of the developed area at the time the final plan is approved shall be dedicated for the use of the town at the discretion of the Planning Board. A cash payment in lieu of land dedication may be made based upon the following schedule: A standard fee of \$500/lot, regardless of size, that are developed and deeded to preclude further division shall be assessed the developer, or up to 5 acres - \$600/lot, more than 5 acres to 10 acres - \$700/lot and greater than 10 acres - \$800/lot. Such payment shall be received before the final approval. Any monies so received shall be placed in a separate account to be disbursed for land acquisition or improvement with the approval of the Planning Board and the Selectmen.
- C. 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.
- D. No change, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 12.1.C. The Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. § 4404, and these regulations. In the

event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

- E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- F. Failure to commence substantial construction of the subdivision within two 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 and notify the owner by registered mail of the action.
- G. If the transfer in ownership of an approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Board. The new owner shall submit material relating to technical and financial capability for Board approval.
- H. No building permit for any lot shall be issued until the road leading to the lot is completed to the satisfaction of the local highway department, the fire department, and the CEO.

## ARTICLE VIII. GENERAL STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a Final Plan. In all instances, the burden of proof shall be upon the applicant.

**8.1 Conformance with Comprehensive Plan.** All proposed subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

### **8.2 Retention of Open Spaces and Natural or Historic Features**

- A. For any subdivision a parcel of land determined at 10% of the developed area at the time the final plan is approved shall be dedicated for the use of the town at the discretion of the Planning Board. A cash payment in lieu of land dedication may be made based upon the following schedule: up to 5 acres - \$600/lot, more than 5 acres to 10 acres - \$700/lot and greater than 10 acres - \$800/lot. Any monies so received shall be placed in a separate account to be disbursed for land acquisition or improvement with the approval of the Planning Board and the Selectmen.

- B. Land reserved for open space purposes shall be a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Site selected primarily for scenic or passive recreation purposes shall have such access, as the Board may deem suitable and no less than twenty-five feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.
- C. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.
- D. The Board may require that the development plans include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas. Cutting of trees on the northerly border of lots should be avoided as far as possible, to retain a natural wind buffer.
- E. Consideration should be given by the board for known aquifers to provide protection from adverse developments.

**8.3 Land Not Suitable for Development.** The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size.

- A. Land which is situated below the normal high water mark of any water body.
- B. Land which is located within the 100-year frequency floodplain as identified by the Federal Emergency Management Agency unless the subdivider shows proof through the submittal of materials prepared by a Licensed Professional Land Surveyor which show that the property in question lies at least two feet above the 100-year flood level. The elevation of filled or made land shall not be considered.
- C. Land which is part of a right-of-way or easement, including utility easements.
- D. Land which has a water table within ten inches of the surface for at least three months of the year as identified by the Oxford County Soil Survey. The Board may use such lands in the lot area calculations—if the lot(s) are to be deed restricted to prohibit buildings with basements or require basement floor elevations one foot above the seasonal water table.
- E. Land that has been created by filling or draining a pond or wetland.

**8.4 Lots**

- A. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.
- B. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.



- C. Wherever possible, side lot line shall be perpendicular to the street.
- a) 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 resubdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities and traffic increase.
- E. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.
- F. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot depth to width shall not be less than three to one.

## 8.5 Utilities

- A. The Board may require utilities serving the subdivision to be installed underground.
- B. Underground utilities shall be installed prior to the installation of the final gravel base of the road. All underground utilities shall be properly marked to avoid damage by future excavations.
- C. The size, type and location of street lights, electric lines, telephone, and other utilities shall be shown on the plan and approved by the Board.

## 8.6 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

- A. Monuments
  - 1) Monuments may be of stone, metal rebars, or iron pipes with the approval of the Planning Board
  - 2) Stone monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes  $\frac{1}{2}$  inch deep shall locate the point or points as described below.
  - 3) Metal  $\frac{3}{4}$  inch rebars or one inch iron pipes shall be four feet in length and driven down to within 12 inches or less of ground surface and marked with suitable monumentation.
  - 4) 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.
  - 5) Monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
  - 6) All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation.

## B. Water Supply

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

- a. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system and shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231).

## C. Sewage Disposal

The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

## D. Surface Drainage

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This storm water management system shall be designed by a Registered Professional Engineer.
2. Drainage easements for existing watercourses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
3. The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. Where the peak runoff from the subdivision onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.
4. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section 9.5, shall be submitted.

## E. Street Access

1. Off site streets serving a proposed subdivision shall be in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision. In making a determination that off site streets serving a proposed subdivision are in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision the Board shall consider the following.

- a. Residential subdivisions that will gain access via public streets or public easements closed to winter maintenance shall be prohibited unless the subdivider shall finance the cost of the necessary improvements to make the street or public easement suitable for winter maintenance. Such improvements shall be made by the Town or a contractor selected by the Town. The Board shall base the needed improvements upon the recommendation of the Inspecting Official who will be a registered professional engineer employed by the town for this purpose.
- b. Lots in residential subdivisions that will gain access via public roads or private roads that are deemed by the Inspecting Official to not have adequate capacity to carry traffic associated with the proposed subdivision shall be prohibited unless the subdivider undertakes the necessary improvements to make the street suitable for the anticipated traffic. In determining adequate capacity the inspecting Official shall consider provisions for two-way traffic, safe access by emergency vehicles and all season use. The Board shall base needed improvements to provide adequate capacity upon the recommendation of the Inspecting Official. This Section shall not be interpreted to require improvements to comply with Section 9.4.

#### **8.7 Land Features**

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

#### **8.8 Cluster Developments**

- A. Purpose  
The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted under traditional single-family development.
- B. Basic Requirements
  - 1. All the requirements and standards of these regulations except those dealing with lot layout and dimensions shall be met.
  - 2. The minimum area of land in a cluster development shall be ten acres
  - 3. The plan shall indicate the location of all proposed roads, structures, parking areas, footpaths and common open space.
  - 4. No building shall be constructed on soil types classified by the Soil Conservation Service as being poorly or very poorly drained.
  - 5. Where a cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.

6. In cluster developments with minimum individual lot sizes of 20,000 sq. ft. all dwelling units shall be connected to a private common water supply and distribution system.
7. In cluster developments with individual minimum lot sizes of 20,000 sq. ft. all dwelling units shall be connected to a public sewer system or to a central collection and treatment system.
8. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes, and natural drainage areas, in accordance with an overall plan for site development and landscaping.

#### **8.9 Dedication and Maintenance of Common Open Space and Services**

1. All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.
2. Further subdivision of the common land or its use for other than noncommercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.
3. The common open space shall be shown on the Final Plan with appropriate notation on the plan to indicate that:
  - a. It shall not be used for future building lots; and
  - b. a part or all of the common open space may be dedicated for acceptance by the municipality.
4. If any or all of the common open space and services to be reserved for use by the residents, the bylaws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.
5. Covenants for mandatory membership in the homeowners association setting forth the owners' rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.
6. The homeowners association shall have the responsibility of maintaining the common property.
7. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.
8. 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.

#### **8.10 Construction in Flood Hazard Areas**

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots 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 the deed to any lot, which is included or partially included in the flood hazard area.

**ARTICLE IX. STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS**

**9.1 General Requirements**

- A. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems 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.
  
- B. Sub dividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view profile and typical cross-section of the proposed streets. The plans shall include the following information:
  - 1. Date, scale and magnetic or true north point.
  - 2. Intersections of the proposed street with existing streets.
  - 3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
  - 4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
  - 5. Complete curb data shall be indicated for all horizontal and vertical curves.
  - 6. Turning radii at all intersections.
  - 7. Centerline gradients.
  - 8. Locations of all existing and proposed overhead and underground utilities, to include, but not be limited to, water, sewer, electricity, telephone, lighting and cable television.
  
- C. Upon receipt of plans for a proposed public street, the Board shall forward one copy to the Municipal Officers and Road Commissioner.

**9.2 General Requirements for all Street Construction**

- A. **Existing Streets Extended:** Existing streets shall be extended at the same or greater width and in no case shall they be extended at less than the existing width.
  
- B. **Street Names:** Street names require the approval of the Board and Fire Chief. Streets that are obviously in alignment with streets already existing and named, shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

- C. **Intersections:** All street intersections shall be at angles as close as ninety degrees (90°) as possible. In no instances shall street intersections be at an angle less than seventy-five degrees (75°).
- D. **Curb Line Radius:** The curb line radius at street intersections shall be at least 25 feet. Where the angle of the street intersects is less than ninety degrees (90°), a longer radius may be required.
- E. **Dead-end Streets:** Dead-end streets shall be provided at the closed end with a turn-around, having a radius of at least 75 feet and a traveled way radius of at least 35 feet.
- F. **Drainage:** Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, underdrains, and/or storm water drainage systems. Drainage design shall be based upon the ten-year storm event. Provisions must be made for natural watercourses.
- G. **Catch Basins:** Catch basins (of standard design) shall be built where necessary and culverts of proper size and capacity will be installed at all watercourses with necessary headers.
- H. **Slopes and Ditches:** Slopes and ditches shall slope away from the shoulders of the road at a ratio of at least three (3) horizontal feet to one (1) foot vertical and never steeper than 2 to 1. In cases where this is not possible or practical as where the roadway cuts through the side of a hill, all cuts shall be made so that adjacent slopes will not slide. The tops and sides of all cuts shall be cleared of all trees, stumps and boulders for an adequate distance so as to prevent such material from sliding into the ditches. Banks will be loamed, when necessary, seeded and mulched.
- I. **Marginal Access Streets:** Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on a street other than the existing or proposed arterial street) with screen planting contained in a nonaccess reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- J. **Sidewalks:** The Board shall have the authority to designate whether sidewalks shall be required.
- K. **Utilities:** Longitudinal runs of water and/or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the street or way without obstructions by poles or appurtenances.
- L. **Paving:** When paving is required by the Board, it shall comply with the following:
  1. Paving shall be comprised of a minimum of 2½ inches of hot bituminous pavement.
  2. Placement of pavement shall conform with Sections 403.01-403.3—of the most recent edition of the Maine Department of Transportation, Standard Specifications, Highway and Bridges, Revisions of June 1968.
  3. Pavement shall be of a Hot Bituminous mix approved by state of Maine Department of transportation.

M. **Graveled Surface Streets:** Graveled surfaced streets shall conform to the following requirements, in addition to all street design standards.

1. Dust from the road surface will not adversely affect adjacent properties.
2. The surface material shall support anticipated traffic loads without detrimental deformation.
3. The surface material shall be capable of withstanding the abrasive action of traffic.
4. The surface material shall shed rain, which falls on the surface.
5. The surface material shall possess capillary properties in amounts sufficient to replace the moisture lost by surface evaporation.

### Section 9.3. Classification of Streets

A. All new streets shall be classified as provided in Subsection B.

1. The classification of the street shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day (the amount of trips per day are based upon average daily traffic levels (ADT).)
2. The number of dwelling units to be served by a residential street shall be used as an indication of the number of trips.
3. Whenever a subdivision street continues, an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

B. The classification of streets shall be as follows:

1. **Residential Access Streets:** A residential access street is a frontage street, which provides access to abutting properties, it shall be designed to carry no more traffic than that which is generated on the street itself. A residential access street shall not be allowed when traffic volume exceeds 200 ADT.
2. **Residential Subcollection:** A residential subcollection is a frontage street which provides access to abutting properties and which may also collect traffic from residential access streets that intersect it. A residential subcollector shall not be allowed when traffic volume is greater than 500 ADT. Subcollector streets shall be designed to exclude all external through traffic which has neither origin nor destination on the subcollector on its tributary residential access streets.
3. **Collector:** A street whose principle function is to carry traffic for residential streets to higher order streets. ADT shall not exceed 3,000. If the street exceeds 3,000 ADT, the municipality upon recommendation from an engineer shall determine the required design standards.
2. **Other Streets:** Streets proposed to service uses such as retail, office or industrial shall be designed by a Professional Engineer based upon detailed traffic analysis.

#### SECTION 9.4 Minimum Design and Construction Standards

	Collector	Residential Collector	Residential Access Street
a. minimum width of right-of-way	60 ft.	50 ft.	50 ft.
b. minimum travel width	22 ft.	20 ft.	20 ft.
c. minimum width of shoulders (per travel lane)	4	3	2
d. minimum grade	0.5%	0.5%	0.5%
e. maximum grade	10	12%	12%
f. maximum grade at intersections	3% within 50 ft. of intersection		
g. minimum angle of intersections	75°	75°	75°
h. minimum center line radii on curves	200 ft.	200 ft.	150 ft.
i. minimum tangent length between reverse curves	200 ft.	100 ft.	50 ft.
j. road base (total minimum)	(Refer to Appendix F)		
k. paving (when required)	2 ½ in.	± 2 ½ in.	± 2 ½ in.
l. minimum road crown	1/4"/1'	1/4"/1'	1/4"/1'
m. Property line radii (intersections)	15 ft.	10 ft.	10 ft.
n. curb radii at intersections (90°) less than 90°	25 ft. 30 ft.	25 ft. 30 ft.	25 ft. 30 ft.
o. minimum distance between intersections	200 ft.	200 ft.	200 ft.
p. sidewalk width (where required)	4 ft.	4 ft.	4 ft.

#### 9.5 Storm Water Management Design Standards

- A. Adequate provision shall be made for disposal for all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.
1. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm based on rainfall data for Oxford county Soil and Water District.
  2. The minimum pipe size for any storm drainage pipe shall be 15 inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of 6 inches below the bottom of the pipe extending to 6 inches above



the top of the pipe.

3. Catch basins shall be installed where necessary and located at the curb line.
  4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
- B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increase in upstream runoff.
- C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- D. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.
- E. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

## 9.6 Storm Drainage Construction Standards

### A. Materials

1. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTOM 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crank strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved performed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTOM 175 for the appropriate diameters.
2. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation C-428 (AASHTOM 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63, or of an approved performed plastic sleeve type.
3. Corrugated Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.
4. ABS Pipe. ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTOM 264 and AASHTOM 265. Perforated pipe shall conform to the requirements of AASHTOM 36, Type III.
5. Corrugated Plastic Pipe. Corrugated Plastic Pipe shall conform to the requirements of AASHTO -252.

6. Manholes. Manholes shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTOM 103 for carbon steel castings, AASHTOM 105, Class 30 for gray iron castings or AASHTOM 183 (ASTMA 283, Grade B or better) for structural steel.
  7. Catch Basins. Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Casting shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTOM 103 for carbon steel castings, AASHTOM 105, Class 30 for gray iron castings or AASHTOM 183 (ASTMA 283, Grade B or better) for structural steel.
- B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.
  - C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400-foot intervals.
  - D. Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris, or foreign matter and shall be kept clean until final acceptance.

#### 9.7 Additional Improvements and Requirements

- A. Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- B. Cleanup. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
- C. Street Names, Signs and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person.

**9.8 Certification of Construction**

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

**ARTICLE X. PERFORMANCE GUARANTEES**

**10.1 Types of Guarantees.** With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
- B. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers, or Town Manager; or
- C. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Road Commissioner, Municipal Officers, and/or Town Attorney.

**10.2 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 developer will be in default, and the Town shall have access to the funds to finish construction.

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

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

10.5 **Conditional Agreement.** The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:

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

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 10.8.

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

10.8 **Release of Guarantee.** Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

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

10.10 **Private Roads.** Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

10.11 **Improvements Guaranteed.** Performance guarantees shall be tendered for all improvements required by Section 8.6 of these regulations, as well as any other improvements required by the Board.

## ARTICLE XI. WAIVERS

- 11.1 **Where the Planning Board Makes Written findings of fact** that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or these regulations.
- 11.2 **Where the Board makes written findings of fact** that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety, or welfare, or are inappropriate because of inadequate or lack connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirements for such improvements, subject to appropriate conditions.
- 11.3 **In granting waivers to any of these regulations** in accordance with Sections 11.1 and 11.2, the Board shall require such conditions as will assure the objectives of these regulations are met.

## ARTICLE XII. ENFORCEMENT

### 12.1 **Inspection of Required Improvements**

- A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the town manager in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory complement of improvements and utilities required by the Board.
- B. If the inspecting official as described in Paragraph 12.1E finds, upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.
- C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.

- D. At the close of each summer construction season, the Town may, at the expense of the subdivider, have the site reviewed by the inspecting official. By November 15 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report, if required, shall also include a discussion and recommendations on any problems which were encountered.
- E. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town-way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- F. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality.

## 12.2 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 and signed by the Board in accordance with these regulations.
- B. No person, firm, corporation or other legal entity may 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. No person, firm, corporation or other legal entity may convey, any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. Any person, firm, corporation or other legal entity 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 by a fine of not less than \$100, and not more than \$2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.
- E. No public utility or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- F. 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 Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.
- G. 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.

### ARTICLE XIII. APPEALS

13.1 An aggrieved party may appeal any decision of the Board under these regulations to Oxford County Superior Court.

### ARTICLE XIV. DEFINITIONS

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

**Cluster Subdivision:** A subdivision in which the lot sizes are reduced below those normally required in a traditional subdivision 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.

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

**Comprehensive Plan or Policy Statement:** Any part or element of the overall plan or policy for development of the municipality as defined in Title 30 - AM.R.S.A., Section 4301.

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

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

**Driveway:** A vehicular access-way serving two dwelling units or less.

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

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

**Freshwater Wetland:** Means fresh water swamps, marshes, bogs and similar areas which are:

1. 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

2. Not considered part of great pond, coastal wetland, river, stream or brook.
3. These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

**High Intensity Soil Survey:** A soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

**Inspecting Official:** A qualified individual (registered professional engineer) appointed by the Planning Board to inspect streets during construction

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

**Normal High Water Elevation:** That line on the shores of banks on non tidal waters which is apparent because of the continuous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to, the following plants and plant groups: Water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sassparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water elevation shall be estimated from places where it can be determined by the above method-

**Industrial Park or Development:** A subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

**Net Residential Acreage:** The total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 8.3

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

**Official Submittal Date:** The date upon which the Board issues a receipt indicating a complete application has been submitted.

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

**The Board:** The Planning Board of the Town of Woodstock.

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

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



**Resubdivision:** The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

**River, stream or brook** means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
2. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
3. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.
5. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

**Street:** Public and private ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

**Subdivision:** The division of a tract or parcel of land as defined in Title 4401 and as hereafter 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.

**Substantial Construction:** Completion of thirty (30) percent or more of improvements as a percentage of the estimated total cost.

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