TOWN OF GLENBURN

SUBDIVISION ORDINANCE

ADOPTED: NOVEMBER 18, 2004
# TOWN OF GLENBURN
## SUBDIVISION ORDINANCE

### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Article</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ARTICLE 1</strong> - Purposes</td>
<td>1</td>
</tr>
<tr>
<td><strong>ARTICLE 2</strong> - Miscellaneous Provisions</td>
<td>2</td>
</tr>
<tr>
<td>2.1 Authority</td>
<td>2</td>
</tr>
<tr>
<td>2.2 Amendments</td>
<td>2</td>
</tr>
<tr>
<td>2.3 Severability</td>
<td>2</td>
</tr>
<tr>
<td>2.4 Effective Date</td>
<td>2</td>
</tr>
<tr>
<td>2.5 Repeal of Prior Ordinance</td>
<td>2</td>
</tr>
<tr>
<td>2.6 Conflicts</td>
<td>2</td>
</tr>
<tr>
<td>2.7 Filing</td>
<td>3</td>
</tr>
<tr>
<td>2.8 Applicability</td>
<td>3</td>
</tr>
<tr>
<td>2.9 Pending Application Status</td>
<td>3</td>
</tr>
<tr>
<td>2.10 Burden of Proof</td>
<td>3</td>
</tr>
<tr>
<td>2.11 Maximum Number of Lots or Dwelling Units</td>
<td>3</td>
</tr>
<tr>
<td>2.12 Technical Review</td>
<td>3</td>
</tr>
<tr>
<td>2.13 Blasting Activities</td>
<td>4</td>
</tr>
<tr>
<td><strong>ARTICLE 3</strong> - Administration And Procedure</td>
<td>5</td>
</tr>
<tr>
<td>3.1 Administration</td>
<td>5</td>
</tr>
<tr>
<td>3.2 Procedure</td>
<td>5</td>
</tr>
<tr>
<td>3.3 Bylaws</td>
<td>5</td>
</tr>
<tr>
<td><strong>ARTICLE 4</strong> - Preapplication Meeting, Sketch Plan and On-Site Inspection</td>
<td>6</td>
</tr>
</tbody>
</table>
A. Statutory Criteria ................................................................. 31
B. Design Guidelines – Sufficient Water .................................... 31
C. Performance Standards – Sufficient Water ......................... 31

8.3 Municipal Water Supply ..................................................... 32
A. Statutory Criteria ................................................................. 32
B. Performance Standards – Municipal Water Supply ................ 33

8.4 Erosion ..........................................................................., 33
A. Statutory Criteria ................................................................. 33
B. Performance Standards – Erosion ......................................... 33

8.5 Traffic Conditions ............................................................. 33
A. Statutory Criteria ................................................................. 33
B. Performance Standards – Traffic Conditions ...................... 33

8.6 Sewage Disposal ............................................................... 35
A. Statutory Criteria ................................................................. 35
B. Performance Standards – Sewage Disposal ......................... 35

8.7 Municipal Solid Waste Disposal .......................................... 36
A. Statutory Criteria ................................................................. 36
B. Performance Standards – Municipal Solid Waste Disposal .... 36

8.8 Aesthetic, Cultural and Natural Values .................................. 36
A. Statutory Criteria ................................................................. 36
B. Design Guidelines – Aesthetic, Cultural and Natural Values .... 37
C. Performance Standards – Aesthetic, Cultural and Natural Values 39

8.9 Conformity With Local Ordinances and Plans ....................... 41
A. Statutory Criteria ................................................................. 41
B. Design Guidelines – Conformity With Local Ordinances and Plans 41
C. Performance Standards .........................................................
8.10 Financial and Technical Capacity ............................................. 42
   A. Statutory Criteria ................................................................. 42
   B. Performance Standards......................................................... 42
      - Financial and Technical Capacity ....................................... 42

8.11 Surface Waters; Outstanding River Segments ............................... 42
   A. Statutory Criteria ................................................................. 42
   B. Design Guidelines ............................................................... 42
      - Surface Waters; Outstanding River Segments ....................... 43
   C. Performance Standards ....................................................... 43
      - Surface Waters; Outstanding River Segments ....................... 43

8.12 Ground Water ................................................................. 44
   A. Statutory Criteria ................................................................. 44
   B. Performance Standards – Ground Water ................................. 44

8.13 Flood Areas ............................................................................... 45
   A. Statutory Criteria ................................................................. 45
   B. Performance Standards – Floodplain Management ................... 45

8.14 Freshwater Wetlands ............................................................... 46
   A. Statutory Criteria ................................................................. 46
   B. Performance Standards – Freshwater Wetlands ....................... 46

8.15 River, Stream or Brook .......................................................... 46
   A. Statutory Criteria ................................................................. 46
   B. Performance Standards – River Stream or Brook ..................... 46

8.16 Storm Water Management .......................................................... 46
   A. Statutory Criteria ................................................................. 46
   B. Design Guidelines – Storm Water Management ....................... 46
   C. Performance Standards – Storm Water Management ................. 47

8.17 Spaghetti-Lots Prohibited ......................................................... 48
   A. Statutory Criteria ................................................................. 48
   B. Performance Standards – Spaghetti Lots Prohibited ................. 48
8.18 Lake Phosphorus Concentration ........................................... 48
   A. Statutory Criteria ................................................................. 48
   B. Design Guidelines – Lake Phosphorus Concentration ............ 48
   C. Performance Standards – Lake Phosphorus Concentration ... 48

8.19 Impact on Adjoining Municipality ........................................ 52
   A. Statutory Criteria ................................................................. 52
   B. Design Guidelines – Impact on Adjoining Municipality ....... 52
   C. Performance Standards
      – Impact on Adjoining Municipality ................................. 52

ARTICLE 9 – CLUSTER DEVELOPMENT ........................................... 53

9.1 Design Guidelines
   - Cluster Developments (Open Space Developments) .............. 53
   A. Purpose .............................................................................. 53
   B. Application Procedure ....................................................... 53
   C. Basic Requirements for Cluster Developments
      (Open Space Developments) .............................................. 54

9.2 Performance Standards - Reservation or Dedication and
   Maintenance of Open Space and Common Land,
   Facilities and Services of Cluster Developments ................ 56

ARTICLE 10 - DWELLING UNIT SUBDIVISION CRITERIA ................ 58

10.1 Utilization of Site .............................................................. 58
10.2 Traffic Access and Parking .................................................. 58
10.3 Internal Vehicular Circulation .............................................. 58
10.4 Parking Layout and Design ................................................... 58
10.5 Pedestrian Circulation ......................................................... 59
10.6 Utilities .............................................................................. 59
10.7 Exterior Lighting ................................................................. 59
10.8 Buffering of Adjacent Uses ................................................... 59
10.9 Noise ................................................................................. 59
10.10 Storage of Materials ........................................................... 59
ARTICLE 1 – PURPOSES

The purposes of this ordinance are:

1.1 To assure the comfort, convenience, safety, health and welfare of the people;

1.2 To protect the environment and to promote the development of an economically sound and stable community;

1.3 To provide for an expeditious and efficient process for the review of proposed subdivisions;

1.4 To clarify the approval criteria of the state Subdivision Law, found in Title 30-A M.R.S.A. § 4404;

1.5 To assure new development in the Town of Glenburn meets the goals and conforms to the policies of the Glenburn Comprehensive Plan;

1.6 To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

1.7 To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and

1.8 To maintain and protect property values and promote fiscally responsible development within the Town of Glenburn.
ARTICLE 2 – MISCELLANEOUS PROVISIONS

2.1 Authority.

A. This ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A. § 4403.

B. This ordinance shall be known and may be cited as “Subdivision Ordinance of the Town of Glenburn, Maine.”

2.2 Amendments.

This ordinance may be amended by the Town Council of the Town of Glenburn in accordance with the provisions of the Town Charter.

2.3 Severability.

Should any section or provision of this ordinance be declared by the courts to be invalid, such action shall not invalidate any other section or provision of this ordinance, and to this end, the provisions of this ordinance are hereby declared to be severable.

2.4 Effective Date.

The effective date of this ordinance shall be 30 days after the date of its adoption by the Town Council.

2.5 Repeal of Prior Ordinances.

The Glenburn Subdivision Ordinance adopted December 13, 1986, as amended, shall be repealed as of the effective date of this ordinance. Provided, however, that said ordinance shall remain in full force and effect with respect to any violation thereof in existence at the time of the effective date of this ordinance, and provided further that any such violation shall be deemed a violation of this ordinance and subject to its terms and provisions. The Glenburn Subdivision Moratorium Ordinance adopted June 12, 2003, as extended, shall be repealed as of the date of adoption of this Ordinance.

2.6 Conflicts.

This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, ordinance or provision of law of the Town of Glenburn. Where this ordinance imposes a higher standard for the protection and promotion of comfort, health, safety and general welfare, the provisions of this ordinance shall prevail.
2.7 Filing.

A copy of this ordinance shall be filed at the Penobscot County Registry of Deeds and with the Town Clerk and shall be accessible to any member of the public.

2.8 Applicability.

The provisions of this ordinance shall apply to all applications for subdivision approval filed on or after the date of adoption of this Ordinance, and to applications that are not pending applications within the meaning of 1 M.R.S.A. § 302, or the provisions of the prior Subdivision Ordinance, as of the date of adoption of this Ordinance.

2.9 Pending Application Status.

No application for subdivision approval under this ordinance shall be deemed to be a pending application within the meaning of 1 M.R.S.A. § 302 until such time as the Planning Board has made a determination that the Final Plan application is complete and the Planning Board has conducted at least one substantive review of the completed Final Plan application for the purpose of determining whether it complies with the review criteria and other applicable requirements of this ordinance or state laws relating to subdivisions.

2.10 Burden of Proof.

In all instances, the burden of proof is upon the person proposing the subdivision to demonstrate satisfaction of the requirements of 30-A M.R.S.A. § 4401 et seq. and of this ordinance.

2.11 Maximum Number of Lots or Dwelling Units.

The maximum number of lots for a proposed subdivision shall be determined by dividing the net residential acreage of the land area proposed for inclusion in the subdivision by the applicable minimum lot size required by the Town’s Zoning Ordinance. The maximum number of dwelling units for a proposed subdivision consisting of dwelling units shall be determined by dividing the net residential acreage of the land area proposed for inclusion in the dwelling unit subdivision by the applicable minimum lot size per dwelling unit required by the Town’s Zoning Ordinance.

2.12 Technical Review.

The Planning Board is authorized to retain the services of engineers or other professionals to undertake a technical review of any subdivision application for the purpose of assisting the Planning Board in determining whether the application and the proposed subdivision complies with the requirements of this
ordinance or applicable State Laws or Regulations. Any technical review fee paid by the applicant shall be deposited in a special account designated for that subdivision application. If the balance in this special account is drawn down by 75% the Board shall notify the applicant, and the applicant shall deposit with the Town sufficient funds to restore the special account to at least 50% of its original amount. The Board shall continue to notify the applicant whenever the balance in the account is drawn down by 75% of the original deposit, and the applicant shall deposit sufficient funds to restore the special account to at least 50% of its original amount. If the applicant fails to fund the special account as required, review of the application by the Planning Board shall be suspended until such time as the funds are paid. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant.

2.13 Blasting Activities

No blasting shall be undertaken in a subdivision unless: (1) a blasting plan has been approved by the Planning Board as part of the preliminary plan application or (2) a site map and blasting plan is submitted to and approved by the Code Enforcement Officer. The map must show the proposed blast area(s) and the location of all structures and wells within 500 feet of the blast area(s). In addition, no blasting shall be undertaken in a subdivision unless the Code Enforcement Officer is provided with written notice of the location and date of the proposed blasting, which notice must be received at least 7 days prior to the blasting activity.
ARTICLE 3 - ADMINISTRATION AND PROCEDURE

3.1 Administration.

A. The Planning Board of the Town of Glenburn, hereinafter called the Board, shall administer this ordinance.

B. The provisions of this ordinance shall apply to all subdivisions, as defined by this ordinance or the laws of the State of Maine, that are located wholly or partially within the boundaries of the Town of Glenburn.

3.2 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 Chairperson, in consultation with the Code Enforcement Officer, shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than seven (7) calendar days in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal office. Applicants shall request to be placed on the Board’s agenda at least fourteen (14) calendar days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer.

Applicants who are not on the Board’s agenda may be heard, only as a CEO item. However, the Board shall take no action on any application not appearing on the Board’s written agenda.

3.3 Bylaws.

The Planning Board is authorized to adopt bylaws for the transaction of its business under this ordinance.
ARTICLE 4 - PREAPPLICATION MEETING, SKETCH PLAN AND ON-SITE INSPECTION

4.1 Purpose.

The purpose of the pre-application 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.

4.2 Procedure.

A. The applicant or duly authorized agent shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.

B. Following the applicant’s presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.

C. The on-site inspection shall be scheduled.

4.3 Submission.

The Pre-application 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 free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor’s map(s) on which the land is located. The Sketch Plan shall be accompanied by:

A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.

B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision. Along with soils suitability for intended use taken from “Soil Suitability Guide for Land Use Planning in Maine”, latest edition.

C. Ten copies of all materials.
4.4 Contour Intervals and On-Site Inspection.

Within thirty days of the pre-application meeting, or as soon as weather conditions permit, 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, or Final Plan in the case of a Minor Subdivision. The applicant shall place "flagging" at the approximate centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection.

4.5 Establishment of File.

Following the pre-application/sketch plan meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application/sketch plan meeting and application shall be maintained in the file.
ARTICLE 5 – PLAN FOR MINOR SUBDIVISION

Any subdivision containing four lots or dwelling units or less, and in which no street is proposed to be constructed, is a Minor Subdivision subject to this article. (A Minor Subdivision requires a Sketch Plan and a Final Plan, while a Major Subdivision requires a Sketch Plan, Preliminary Plan and Final Plan.)

5.1 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 8 of this ordinance, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

5.2 Procedure.

A. After Sketch plan review and within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a final plan at least fourteen (14) days prior to a scheduled meeting of the Board. Applications shall be submitted by registered mail to the Board in care of the municipal office or delivered by hand to the municipal office. The municipal office shall issue a dated receipt. Failure to submit the application within six months 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 a Minor Subdivision shall be accompanied by payment of any application, technical review, advertising, mailings or other fees as established by the Fee Schedule Ordinance of the Town of Glenburn. If the applicant fails to pay the required fees, review of the application shall be suspended until such time as the fees are paid.

C. The applicant, or the applicant's representative, shall attend the meeting of the Board to present the final plan application. Failure to attend the meeting to present the final plan application shall result in a delay of any action by the Board until such time as the applicant follows the appropriate process to appear on the Board's agenda.

D. Upon receipt of an application for final plan approval of a Minor Subdivision the municipal office representative shall:

1. 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.

2. Notify the clerk and the reviewing authority of the neighboring municipalities if any portion of the subdivision or crosses the municipal boundary.
3. Make the appropriate posting of notices.

E. Within thirty calendar 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 Code Enforcement Officer, at the direction of the Planning Board, shall notify the applicant in writing of the specific additional material needed to complete the application.

F. Upon a determination that a complete application has been submitted for review, the Code Enforcement Officer shall, at the direction of the Planning Board, notify the applicant in writing of that determination. In addition, the Board shall schedule a public hearing on the final plan application.

G. The Board shall hold the public hearing within thirty calendar 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. A copy of the notice shall be mailed to the applicant and abutters. All costs incurred in advertising and notifying abutters of a public hearing shall be borne by the applicant.

H. Within thirty days from the public hearing, 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 of Article 8. If the Board finds that all the criteria of the statute and the standards of Article 8 have been met, it shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of Article 8 has 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 Board shall issue a written notice of its decision to the applicant, including the Board’s findings, conclusions and any reasons for its decision.

5.3 Submissions For Minor Subdivisions.

The final plan application shall consist of the following items.

A. Application Form.

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

1. Existing subdivisions in close proximity of the proposed subdivision.

2. Locations and names of existing and proposed streets.

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 tract or parcel of land.

C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable-based transparencies, 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.

The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. 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 1.5 inches outside of the borderlines on the left side for binding and a one-half inch margin outside the border along the remaining sides. The Plan shall provide space for endorsement. Ten (10) copies of all information accompanying the plan shall be submitted to the Code Enforcement Officer. One copy of the subdivision plan at a scale of 1"=200' to be submitted to the Tax Assessor.

D. Application Requirements.

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 such information necessary in order to determine whether the criteria of Title 30-A M.R.S.A. § 4404 and this ordinance are met.

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. Verification of right, title, or interest in the property.

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a land surveyor registered in Maine. 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 any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

6. An indication of the type sewage disposal to be used in the subdivision.
   a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the appropriate sewer district, stating that the district has the capacity to collect and treat the wastewater, shall be provided.
   
b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses (logs), 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. An indication of the type of water supply system(s) to be used in the subdivision.
   a. When water is to be supplied by a publicly owned public water system, a written statement from the appropriate public official shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the public entity approves the plans for extensions where necessary. Where the public entity’s supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants, if any, and a written statement from the public official approving the design of the extension shall be submitted. Any public main extensions and fire hydrants shall be installed at the developers expense within the public right-of-way.
   
b. When water is to be supplied by a privately owned public water system, evidence that the proposed system complies with the State of Maine Rules Relating To Drinking Water and will provide adequate water supply and pressure for the subdivision shall be submitted.
   
c. When water is to be supplied by private wells, evidence of adequate ground water supply shall be submitted by a well driller or hydro geologist familiar with the area.

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. A soil survey map by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size. The intensity of the soil survey map shall be as follows:
   
a. Class A (High Intensity) Soil Survey
1. Specific land area within any development proposed to be used for disposal of effluent, wastewater or other wastes.

2. Subdivisions with any lot less than 2 acres and on-site subsurface wastewater disposal.

b. Class B (High Intensity) Soil Survey
   1. Subdivisions with any lot less than 2 acres.
   2. The land area of a condominium development that is to be disturbed during construction. Condominium developments include single or multi-family attached dwellings.

c. Class C (Medium High-Intensity) Soil Survey
   1. Subdivisions with all lots greater than 2 acres and on-site subsurface wastewater disposal.

d. For the purposes hereof, Class A, B, and C soil mapping intensity levels shall be those as established by the Maine Department of Environmental Protection.

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 height shall be shown on the plan. On wooded sites, any area to be cleared prior to the sale of lots shall be depicted.

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 Pushaw Lake the application shall so indicate.

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, if districts are defined, and the 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 established.

17. The location of any open space to be preserved and a description of proposed improvements and its management.

18. 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 applicant or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

19. 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.

20. A storm water management plan, prepared by a registered professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995). The Board may waive submission of the storm water management plan unless the subdivision is in the watershed of Pushaw Lake, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

21. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may waive submission of the erosion and sedimentation control plan unless the subdivision is in the watershed of Pushaw Lake, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

22. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a critical 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.

23. If the proposed subdivision is in the direct watershed of Pushaw Lake a phosphorus control plan:

a. For subdivisions, which qualify for the simplified review, procedure the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems. (See Section 8.18)

b. For subdivisions, which do not qualify for the simplified review, procedure the following shall be submitted. (See Section 8.18)


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 not more than five feet unless otherwise specified by the Planning Board.

4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

24. 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 as sensitive or likely to contain such sites.

25. The location and method of disposal for land clearing and construction debris and any other permits relating to the same that may be necessary.
ARTICLE 6 - PRELIMINARY PLAN FOR MAJOR SUBDIVISION

Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street is a Major Subdivision subject to this article. (A Major Subdivision requires a Sketch Plan, Preliminary Plan and Final Plan.)

6.1 Procedure.

A. After Sketch Plan review and 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 fourteen (14) calendar days prior to a scheduled meeting of the Board. (The final plan submittal procedures are found in Article 7.) Applications shall be submitted by registered mail to the Board in care of the municipal office or delivered by hand to the municipal office. The municipal office shall issue a dated receipt. Failure to submit an application within six months 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 payment of any application, technical review, advertising, mailing or other fees as established by the Fee Schedule Ordinance of the Town of Glenburn. If the applicant fails to pay the required fees, review of the application shall be suspended until such time as the fees are paid.

C. The applicant, or the applicant's representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of any action by the Board until such time as the applicant follows the appropriate process to appear on the Board's agenda.

D. At least 7 calendar days prior to the meeting of the Board, at which an application for preliminary plan approval of a major subdivision is to be initially presented, the municipal office shall:

1. 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.

2. Notify the clerk and the reviewing authority of the neighboring municipalities if any portion of the subdivision crosses the municipal boundary.

3. Make the appropriate posting of notices.
4. Notify the road commissioner, school superintendent, Local Law Enforcement 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 notice shall request that these officials comment in writing upon the adequacy of their department's existing capital facilities to service the proposed subdivision, and any health or safety recommendations they feel pertinent. Their written report shall be submitted to the CEO 7 days prior to the public hearing.

E. Within thirty (30) calendar 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 Code Enforcement Officer, as directed by the Planning Board, shall notify the applicant in writing of the specific additional material needed to complete the application.

F. Upon determination that a complete application has been submitted for review, the Code Enforcement Officer, as directed by the Planning Board, shall notify the applicant in writing of its determination. The Board shall schedule a public hearing on the preliminary plan application.

G. The Board shall hold a public hearing within thirty (30) calendar 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 (7) calendar days prior to the hearing. A copy of the notice shall be mailed to the applicant. All costs incurred in advertising and notifying abutters of a public hearing shall be borne by the applicant.

H. Within thirty (30) calendar days from the public hearing, 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 decision.

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 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 consideration by the Board upon fulfillment of the requirements of this ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

6.2 Submissions For Preliminary Plan of Major Subdivisions.

The preliminary plan application shall consist of the following items.

A. Application Form.

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

1. Existing subdivisions in close proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
3. Boundaries and designations of zoning districts, if a zoning land use ordinance is adopted.
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 tract or parcel of land.

C. Preliminary Plan. The preliminary plan shall be submitted, to the Code Enforcement Officer, in ten (10) 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, along with all accompanying information no less than fourteen (14) calendar days prior to the meeting. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read.

D. Application Requirements. The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds such information necessary in order to determine whether the criteria of Title 30-A M.R.S.A. § 4404 and this ordinance are met.
1. Proposed name of the subdivision and the name of the municipality, in which it is located, plus the assessor’s map and lot numbers.

2. Verification of right, title or interest in the property.

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

6. An indication of the type of sewage disposal to be used in the subdivision.
   a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the appropriate sewer district, stating that the district has the capacity to collect and treat the wastewater, shall be provided.
   b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses (logs), 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. An indication of the type of water supply system(s) to be used in the subdivision.
   a. When water is to be supplied by a publicly owned public water system, a written statement from the appropriate public official shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the public entity approves the plans for extensions where necessary. Where the public entity’s supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants, if any, and a written statement from the public official approving the design of the extension shall be submitted. Any public main extensions and fire hydrants shall be installed at the developers expense within the public right-of-way.
   b. When water is to be supplied by a privately owned public water system, evidence that the proposed system complies with the State of Maine Rules Relating To Drinking Water and will provide adequate water supply and pressure for the subdivision shall be submitted.
c. When water is to be supplied by private wells, evidence of adequate ground water supply shall be submitted by a well driller or hydrogeologist familiar with the area.

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. A soil survey map by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size. The intensity of the soil survey map shall be as follows:

   a. Class A (High Intensity) Soil Survey

      1. Specific land area within any development proposed to be used for disposal of effluent, wastewater or other wastes.

      2. Subdivisions with any lot less than 2 acres and on-site subsurface wastewater disposal.

   b. Class B (High Intensity) Soil Survey

      1. Subdivisions with any lot less than 2 acres.

      2. The land area of a condominium development that is to be disturbed during construction. Condominium developments include single or multi-family attached dwellings.

   c. Class C (Medium High-Intensity) Soil Survey

      1. Subdivisions with all lots greater than 2 acres and on-site subsurface wastewater disposal.

   d. For the purposes hereof, Class A, B, and C soil mapping intensity levels shall be those as established by the Maine Department of Environmental Protection.

11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. On wooded lots, any area to be cleared prior to the sale of lots shall be depicted.

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 Pushaw Lake, the application shall so indicate.

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, if districts are defined, and the 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, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

17. The proposed lot lines with 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 and a 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, as is applicable to the proposed subdivision.

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. A hydro geologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled “Hydro geologic Data for Significant Sand and Gravel Aquifers,” by the Maine Geological Survey.

The Board may require a hydro geologic 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 (open space developments) in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems.

23. 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, to the Board’s satisfaction, that these sources better reflect local conditions.

24. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 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 and any proposed traffic signage.

25. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.

26. If the proposed subdivision is in the direct watershed of Pushaw Lake and qualifies for the simplified review procedure (See: Section 8.18) for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

27. 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 as sensitive or likely to contain such sites.

28. All plans, submissions, and supporting documentation for streets, roads or sidewalks as required under the Town of Glenburn Road Ordinance.

29. If it is anticipated that blasting will be required for the subdivision, the area(s) of contemplated blasting shall be shown on the preliminary plan, and a blasting plan shall be submitted.

30. A storm water management plan, prepared by a registered professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995). The Board may waive submission of the storm water management plan unless the subdivision is in the watershed of Pushaw Lake, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious
surfaces such as roofs and driveways is less than 5% of the area of the subdivision.


32. If any portion of the proposed subdivision is in the direct watershed of Pushaw Lake and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan.

1. A phosphorus impact analysis and control plan conducted using the procedures set forth in Phosphorus Control in Lake Watersheds: a Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.

2. A long-term maintenance plan for all phosphorus control measures.

3. The contour lines shown on the phosphorus plan shall be at an interval of no less than two (2) feet.

4. Areas with sustained slopes greater than 20% covering more than one acre shall be delineated.

33. The location and method of disposal for land clearing and construction debris.
ARTICLE 7 - FINAL PLAN FOR MAJOR SUBDIVISION

Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street is a Major Subdivision subject to this article. (A Major Subdivision requires a Sketch Plan, Preliminary Plan and Final Plan.)

7.1 Procedure.

A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least fourteen (14) calendar days prior to a scheduled meeting of the Board. Applications shall be submitted by registered mail to the Board in care of the municipal office or delivered by hand to the municipal office. The municipal office shall issue a dated receipt. 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 payment of any application, technical review, advertising, mailing or other fees as established by the Fee Schedule Ordinance of the Town of Glenburn. If the Board does not decide to hold a public hearing under Section 7.1.H, the advertising fee shall be refunded to the Applicant.

D. 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 5.3.D.24, 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.

E. The applicant, or the applicant's duly authorized representative, shall attend the meeting of the Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of any action by the Board until such time as the applicant follows the appropriate process to appear on the Board's agenda.
F. Within thirty (30) calendar 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 Code Enforcement Officer, as directed by the Board, shall notify the applicant in writing of the specific additional material needed to complete the application.

G. Upon determination that a complete application has been submitted for review, the Code Enforcement Officer, as directed by the Board, shall notify the applicant in writing of its determination. The Board shall determine whether to hold a public hearing on the final plan application.

H. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) calendar 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 before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. The municipal office will notify the applicant and abutting property owners of the hearing date.

I. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 11.

J. Within thirty (30) calendar days from the public hearing, or within sixty (60) calendar days of receiving a complete application if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A. § 4404 and the standards of this ordinance. If the Board finds that all the criteria of the statute and the standards of this ordinance have been met, it shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this ordinance 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 Board shall specify in writing its findings of fact and reasons for any decision.

7.2 Submissions For Final Plan of Major Subdivisions.

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 1.5 inches outside of the borderline on the left side for binding and a one-half inch margin outside the border along the remaining sides. The Plan shall reserve space on the plan for endorsement. Two reproducible, stable-based transparencies, one
to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and ten copies of the plan shall be submitted to the Code Enforcement Office, along with all accompanying information no less than fourteen (14) calendar days prior to a scheduled meeting of the Board. The applicant may instead submit one reproducible stable-based transparent original of the final plan and one recording plan with ten copies of the final plan within the stated timeframe.

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

A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor’s map and lot numbers.

B. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

C. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.

D. An indication of the type of water supply system(s) to be used in the subdivision.

1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. 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 hydro geologist familiar with the area.

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

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

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

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

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

J. The location, names, and present widths of existing and proposed streets, 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 land surveyor registered in Maine. The original reproducible plan shall be embossed with the seal of the registered land surveyor and be signed by that individual.

K. Street plans, meeting the requirements of Section 8.5 and the Glenburn Road Ordinance.

L. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or 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.

M. 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 with a notation made on the final plan.

N. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.

O. The Board shall verify that the following minimum conditions are placed on the final plan:

a) All of the property pins have been set, or to be set, on all lots within the subdivision before any lots are sold, or building permits are issued;

b) The statement “this subdivision plan will become null and void if not recorded in the Penobscot County Registry of Deeds within 60 days of final approval.

P. Approval Space: Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the following example:

OF THE CRITERIA SET FORTH THEREIN, AND THEREFORE THE SUBDIVISION IS APPROVED.

GLENBURN PLANNING BOARD:

__________________________________________

__________________________________________

__________________________________________

__________________________________________

Date: ______________________________________

Conditions of Approval: ____________________

__________________________________________

7.3 Final Approval and Filing.

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

B. Prior to approval of the final plan application by the Planning Board, the following approvals, as applicable, shall be obtained in writing, unless waived by the Planning Board:

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 if a storm water management permit or a wastewater discharge license is needed.

3. Maine Department of Human Services, if the applicant proposes to provide a public water system.

4. Maine Department of Human Services, if an engineered subsurface wastewater 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, if a permit under 23 M.R.S.A. § 704 or § 704-A is required.
C. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A. § 4404, and this ordinance have been met, and upon voting to approve the subdivision, a majority of the Board members shall sign and date both transparencies and shall write any conditions of approval on both transparencies of the signed plan as part of its permanent record. One paper copy of the signed plan shall be forwarded to the tax assessor. One paper copy of the signed plan shall be forwarded to the Code Enforcement Officer. It is the responsibility of the developer to have the subdivision recorded in the Penobscot Registry of Deeds within sixty (60) days of the date upon which the plan is approved and signed by the Board. Failure to do so shall result in the subdivision becoming null and void.

D. At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more phases 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 may require the plan to be divided into two or more phases 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.

E. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with Article 11. 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 this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall file a notice of noncompliance with the Registry of Deeds, which would put prospective purchasers on notice that the plan was not properly approved.

F. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
G. 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. The Board shall require the plans to contain appropriate notes to this effect. Upon determining that a subdivision’s approval has expired under this paragraph, the Board shall have a notice recorded in the Registry of Deeds to that effect.
ARTICLE 8 – REVIEW CRITERIA, PERFORMANCE STANDARDS AND DESIGN GUIDELINES

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

8.1 Pollution.

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

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 effects on effluents;

4. The availability of streams for disposal of effluents; and

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

B. Performance Standards – Pollution -

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

2. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the subdivision is within the watershed of Pushaw Lake, the storm water shall be treated in order to remove excess nutrients.
8.2 Sufficient Water.

A. Statutory Criteria – The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

B. Design Guidelines – Sufficient Water –

1. Well Constructions.
   a. Due to the increased chance of contamination from surface water, dug wells shall be prohibited.
   b. Wells shall not be constructed within 100 feet of the center line of the traveled way of any street, if located downhill from the street, or within 50 feet of the center line 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 as a deed restriction in any deed of conveyance for the affected lots.

2. Fire Protection. (In the event that such municipal infrastructure, facilities and organizations are established and as applicable)
   a. Fire hydrants connected to a public water supply system shall be located as approved by the Glenburn Fire Chief and the Glenburn Road Commissioner.
   b. Minimum storage capacity: There shall be 2,000 gallons per lot or principal building, but in no case shall there be less than 10,000 gallons per subdivision. The Board may require additional storage capacity upon a recommendation from the fire chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.
   c. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches.
   d. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement in perpetuity to the municipality shall be provided to allow access. The applicant shall construct a suitable access way to the hydrant or other water source.

C. Performance Standards – Sufficient Water –

1. Water Supply. (In the event that such municipal infrastructure, facilities and organizations are established and available)
   a. When a subdivision is to be served by a publicly owned public water system, the complete supply system within the subdivision including fire hydrants shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants,
and service connections shall be reviewed and approved in writing by the servicing water company or district and the fire chief.

b. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, the water supply shall be from individual wells or a private community water system.

(i) Proposed well locations shall be sited. In the alternative, the applicant may propose other mechanisms to ensure that the placement of wells and/or subsurface wastewater disposal systems on a lot do not interfere with the ability to place such facilities on adjoining lots.

(ii) 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

(iii) 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).

(iv) In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary. The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that acceptable alternate methods of fire protection are available.

2. Water Quality.

If existing water quality contains known 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.

8.3 Municipal Water Supply.

A. Statutory Criteria – The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.
B. Performance Standards – Municipal Water Supply: (In the event that such municipal infrastructure, facilities and organizations are established and available):

A proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district or company’s system as necessary to alleviate existing deficiencies.

8.4 Erosion.

A. Statutory Criteria – The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results.

B Performance Standards – Erosion:

1. The proposed subdivision shall prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.

2. The procedures outlined in the erosion and sedimentation control plan, if applicable and required, shall be implemented during the site preparation, construction and clean-up stages.

3. 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.

8.5 Traffic Conditions.

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

The following criteria and specifications are contained in the Town of Glenburn Road Ordinance.

1. Access Control
2. Street Design
3. Construction Standards

B. Performance Standards – Traffic Conditions:
1. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
   
a. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;

b. Avoid traffic congestion on any street; and

c. Provide safe and convenient circulation on public streets and within the subdivision.

2. More specifically, access and circulation shall also conform to the following standards:

   a. 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 at developers expense, to accommodate that traffic and avoid unreasonable congestion. In addition, those portions of existing town ways, public easements, and discontinued town and county ways which are adjacent to any portion of the parcel being subdivided and which will serve as major accesses to the proposed subdivision shall be widened and approved to the standards required by the Glenburn Road Ordinance. Such improvements, including rights-of-way acquisitions, shall be completed at the Subdivider’s expense and shall be subject to the same performance guarantees as are other improvements.

   b. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways and traffic controls within existing public streets.

   c. Access ways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A Licensed Civil Engineer shall do a study or analysis to determine the need for a left-turn storage lane.

   d. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the municipality designated as growth areas in the comprehensive plan; or in non-residential subdivisions when such access shall be provided if it will:

      i. Facilitate fire protection services as approved by the fire chief; or

      ii. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.

   e. 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. Prior to approval of the proposed names of streets, the names shall be submitted to the U.S. Postal Service for review and comment. 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.

f. Clean-up.

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

8.6 Sewage Disposal.

A. Statutory Criteria – The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized

B. Performance Standards – Sewage Disposal -

1. Public System. (In the event that such municipal infrastructure, facilities and organizations are established and available)

a. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.

b. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system’s existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.

c. The sewer district shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer district or department as appropriate.

2. Private Systems.

a. When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface wastewater disposal systems or a
private treatment facility with sub-surface discharge. Surface discharge (i.e. spray irrigation) shall only be by Planning Board waiver and MDEP permit.

b. The applicant shall submit evidence of site suitability for subsurface sewage disposal on each lot prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

i. 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 accommodate a 3-bedroom stone disposal area on soils, which meet the Disposal Rules.

ii. In no instance shall a disposal system be located on any lot different than the dwelling for which it was designed to serve.

iii. No subsurface wastewater disposal system shall be installed within the 100-year flood, or land containing flood plain soils. For the purpose of this chapter “Flood plain Soils” are soils formed in Alluvial Deposits and include: Fryburg (Hadley), Lovewell (Winooski), Cornish, Charles (Limerick), Medomak (Saco, Lille, Ondawa, Podunk and Rummey soils.

8.7 Municipal Solid Waste Disposal.

A. Statutory Criteria: The proposed subdivision will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste, if municipal services are utilized.

B. Performance Standards – Municipal Solid Waste Disposal –

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

8.8 Aesthetic, Cultural and Natural Values.

A. Statutory Criteria – The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by 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.
B. Design Guidelines – Aesthetic, Cultural and Natural Values –

1. Preservation of Natural Beauty and Aesthetics.

Unless located in areas designated as a growth area in the comprehensive plan, a subdivision in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.

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

a. The subdivision may reserve between 5% and 10% of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area.

b. Subdivisions with an average density of more than two dwelling units per acre shall provide no less than twenty-five percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. 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.

c. Sites selected primarily for scenic or passive recreation purposes shall have such access, as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

d. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features.

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

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

a. Protection of Habitat of Endangered or Threatened Species.
   i. Habitat or species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space.
   ii. Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.

b. Protection of Waterfowl, Shorebird, and Wading Bird Habitat, Atlantic Salmon Spawning and Nursery Areas.
   i. There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:
      (a). Shorebird nesting, feeding and staging areas and seabird nesting islands;
      (b). High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
      (c). Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or
      (d). Other important habitat areas identified in the comprehensive plan.
   ii. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

c. Protection of Deer Wintering Areas.

   The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for any deer wintering areas identified and mapped after the date of adoption of this Ordinance by the Department of Inland Fisheries and Wildlife as having a high or moderate value.

d. Protection of Important Shoreland Areas.
Tree removal and Clearing provisions for activities conducted within the Shoreland Zones of Glenburn shall be in accordance with the Shoreland Zoning Ordinance of the Town of Glenburn.

c. Protection of Other Important Wildlife Habitat:

If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the Department or a qualified wildlife biologist shall review the restrictions on activities in and around these areas and their comments presented in writing to the Board.

C. Performance Standards – Aesthetic, Cultural and Natural Values -

1. Preservation of Natural Beauty and Aesthetics.

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

   b. 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.

   c. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.

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

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

   b. 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.

   c. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.

   d. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants.

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

   f. Reserved open space land may be dedicated to the municipality.
g. Where land within the subdivision is not suitable or is insufficient in amount, where the applicant prefers, or when suggested by the comprehensive plan, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved open space that otherwise would be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

3. Protection of Significant Wildlife Habitat.

a. If any portion of a proposed subdivision lies within:

i. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:

(a) Habitat for species appearing on the official state or federal lists of endangered or threatened species;

(b) High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

(c) Shorebird nesting, feeding and staging areas and seabird nesting islands;

(d) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or

ii. 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; or

iii. Other important habitat areas identified in the comprehensive plan including coastal wildlife concentration areas,

The applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

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.

8.9 Conformity With Local Ordinances and Plans.

A. Statutory Criteria – The proposed subdivision conforms to the duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

B. Design Guidelines – Conformity With Local Ordinances and Plans -

1. Lots.
   a. Wherever possible, side lot lines shall be perpendicular to the street.
   b. 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 this ordinance and conditions placed on the original approval.
   c. If a lot on one side of a stream, as defined by the Town of Glenburn Shoreland Zoning Ordinance, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
   d. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side.
   e. All street frontage shall be continuous.

   a. The location of permanent markers or pins set or to be set at all corners shall be shown on final plan.
   b. All lot monuments or pins shall be set before any lot is sold in the subdivision and certified as such by a registered land surveyor and submitted to the CEO’S office for filing.
C. Performance Standards – Conformity With Local Ordinances and Plans -

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

8.10 Financial and Technical Capacity.

A. Statutory Criteria – The subdivider has adequate financial and technical capacity to meet the standards of this Ordinance.

B. Performance Standards – Financial and Technical Capacity -

1. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this ordinance. 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. See Performance Guarantees.

2. Technical Ability.

a. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

b. 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.

8.11 Surface Waters; Outstanding River Segments.

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

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

a. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250
feet, which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

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

B. Design Guidelines – Surface Waters; Outstanding River Segments

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

a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the footpath shall be limited to six feet.

b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten-year period.

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

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

C. Performance Standards – Surface Waters; Outstanding River Segments

Cutting or removal of vegetation along water bodies shall not increase water temperature; result in shoreline erosion or sedimentation of water bodies.
8.12 Ground Water.

A. Statutory Criteria – The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

B. Performance Standards – Ground Water


   a. When a hydro geologic assessment is submitted, the assessment shall contain at least the following information:

      i. A map showing the basic soils types.

      ii. The depth to the water table at representative points throughout the subdivision.

      iii. Drainage conditions throughout the subdivision.

   b. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

   v. 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

   vi. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

   vii. The nitrogen plumes of all existing and proposed subsurface wastewater disposal systems.

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

c. 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.

d. 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.
e. 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.

f. 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 requirement on the final plan, and as restrictions in the deeds to the affected lots.

2. Ground Water Quantity.

   a. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

   b. The developer shall provide written documentation that 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.

8.13 Flood Areas.

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

B. Performance Standards – Floodplain Management

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

   a. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.

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

   c. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing 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.

8.14 Freshwater Wetlands.

A. Statutory Criteria: 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.

B. Performance Standards – Freshwater Wetlands

Freshwater wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers. The term “regardless of the size” shall be a discretionary judgment of the individual performing the wetland delineation. In a “Pit and Mound” topography, the predominance of hydric/non-hydric soils shall be the determining factor. In those situations only a State of Maine Certified Soil Scientist shall make the hydric/non-hydric soil percentage determinations.

8.15 River, Stream or Brook.

A. Statutory Criteria: 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.

B. Performance Standards – River Stream or Brook

All rivers, streams and brooks as defined in Title referenced above shall be identified.

8.16 Storm Water Management.

A. Statutory Criteria: The proposed subdivision will provide for adequate storm water management.

B. Design Guidelines – Storm Water Management


2. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.
C. Performance Standards – Storm Water Management

1. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, under drains, storm drains and best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, in conformance with the policies of the comprehensive plan. The storm water management system shall be designed to meet the following standards:

   a. Quantity.

      Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond or the ocean. If storm water will drain into a major water body, a letter of review must be obtained from the Maine Department of Environmental Protection.

   b. Quality.

      i. Major Subdivisions.

         Storm water run-off in major subdivisions must be treated by the use of best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, to achieve, by design, 40% reduction in total suspended solids when the impervious area exceeds one acre.

      ii. Minor Subdivisions.

         Storm water run-off in minor subdivisions must be treated by the use of best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, to achieve, by design, 15% reduction in total suspended solids.

2. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.
8.17 Spaghetti-Lots Prohibited.

A. Statutory Criteria: 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 shall have a lot depth to shore frontage ratio greater than 5 to 1.

B. Performance Standards – Spaghetti Lots Prohibited

All lots depicted within the proposed subdivision shall meet the 8.17.A Criterion above.

8.18 Lake Phosphorus Concentration.

A. Statutory Criteria: 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.

B. Design Guidelines – Lake Phosphorus Concentration

1. When a proposed subdivision is within the direct watershed of Pushaw Lake and qualifies for the simplified review procedure, as detailed in the publication Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, revised September, 1992, buffer strips shall be provided on the downhill side of all lots along all tributaries to Pushaw Lake and along Pushaw Lake.

2. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified reviewed, the phosphorus control measures shall meet the design criteria in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992.

C. Performance Standards – Lake Phosphorus Concentration

1. Phosphorus Export.

   a. Any subdivision within the watershed of a great pond shall limit its post development phosphorus export to the standards required on the great pond in whose watershed the subdivision is located. Those standards, as established by the Maine Department of Environmental Protection for the Pushaw Lake Watershed, are indicated below:

<table>
<thead>
<tr>
<th>DDA</th>
<th>Direct Land Drainage area in Township in acres: 5,152</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANAD</td>
<td>Area not available for development in acres: 700</td>
</tr>
<tr>
<td>AAD</td>
<td>Areas available for development in acres: 4,452</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
   (DDA – ANAD)
GF  Growth Factor  0.25
D  Area likely to be developed in acres:  1,113
    (GF x AAD)
F  lbs. Phosphorus allocated to towns share of
    Watershed per ppb in lake  44.62
WQC Water Quality Category  (mod-sensitive)
LOP Level of Protection  (h=high (cold water fishery)
    (m=medium)
C  Acceptable increase in Lake’s phosphorus
    Concentration in ppb  1.00
P  lbs. Per acre phosphorus allocation (FC/D)  0.040

b. The Town shall keep an accurate record of permits issued by
watershed and shall notify the comprehensive planning
committee of the actual development rates at five year
intervals, as the comprehensive plan is revised. The above
table shall be amended as required by amendments to the
comprehensive plan, reflecting changes in expected
development rates.

2. Simplified Phosphorus Review.

The simplified review may be used for:

a. Proposed subdivision of three or four lots with less than 200 feet of
new or upgraded street with a cumulative driveway length not to
exceed 450 feet for a three-lot subdivision or 600 feet for a four-lot
subdivision;

b. Proposed subdivision of three or four lots with no new or upgraded
street with a cumulative driveway length not to exceed 950 feet for
three lot subdivisions or 1,100 feet for four lot subdivisions; or

c. Proposed subdivision consisting of multi-family dwellings that
have less than 20,000 square feet of disturbed area including
building parking, driveway, lawn, subsurface wastewater disposal
systems, and infiltration areas, and new or upgraded streets not
exceeding 200 linear feet.

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

i. Water quality buffers must be left or established down gradient of developed areas (including lawns), and must be protected by deed restrictions. The following buffer widths (length of flow path through the buffer) are required (to the maximum extent reasonably feasible given lot limitations):

ii. If watershed’s areal allocation is 0.05 lb/acre or less, 75 ft wooded or 125 ft non-wooded.

iii. If watershed’s areal allocation is greater than 0.05 lb/acre, 50 ft wooded or 100 ft non-wooded

iv. Driveways and parking areas must be designed and constructed so that (a) runoff is quickly shed from driveway to buffer areas (to the maximum extent reasonably feasible given lot limitations) and (b) disruption of natural drainage patterns is minimized:

(a) Water bars, broad based drainage dips and razor blades

(b) Ditches, swales and ditch turnouts

(c) Proper grading of gravel

v. Roof runoff may not be channelized to the lake but must be distributed over stable, well vegetated areas or infiltrated into the soil (i.e. dry well)

vi. Use of fertilizers containing phosphorus prohibited except when establishing new turf

vii. Septic system must meet current requirements - plumbing code with loam liner where appropriate


This section shall apply to proposed subdivisions, which do not qualify for the simplified review. Phosphorus export from a proposed development shall be calculated according to the procedures in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September 1992. When a proposed subdivision creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures.

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

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

i. Wooded Buffers.

Wooded buffers shall be maintained in accordance with the following:

(a) Selective cutting shall be permitted on any lot, in any ten (10) year period, of not more than forty (40%) percent of the volume of trees four (4) inches or more in diameter, measured 4½ feet above ground level.

(b) Cutting of dead, storm-damaged, diseased, and/or unsafe trees shall be allowed.

ii. Non-wooded Buffers.

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

(b) A buffer must maintain a dense, complete and vigorous cover of "non-lawn" vegetation, which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.

(c) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.

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

b. Infiltration Systems.

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

c. Wet Ponds.

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

8.19 Impact on Adjoining Municipality.

A. Statutory Criteria: 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.

B. Design Guidelines – Impact on Adjoining Municipality

If any portion of a subdivision crosses municipal boundaries, the reviewing authorities must hold all meetings and hearings to review the application jointly from each municipality.

C. Performance Standards – Impact on Adjoining Municipality

The reviewing authorities of all municipalities shall consider and make a finding of fact regarding the criteria described in Title 30-A Section 4404(19).
ARTICLE 9 – CLUSTER DEVELOPMENT

RESERVATION OR DEDICATION AND MAINTENANCE OF OPEN SPACE AND COMMON LAND, FACILITIES AND SERVICES.

9.1 Design Guidelines - Cluster Developments (Open Space Developments).

A. Purpose.

The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. If cluster developments are permitted under the Zoning Ordinance, the Board, in reviewing and approving proposed residential subdivisions, may, to the extent authorized in the Zoning Ordinance, modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances.

B. Application Procedure.

1. If authorized under the Zoning Ordinance, the Planning Board may allow lots within subdivisions to be reduced in area and width below the minimum normally required by the Zoning Ordinance in return for open space where the Board determines that the benefits of the cluster approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features without increasing the net density of the development. If an applicant desires to pursue a cluster development, two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this ordinance, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of buildable lots or dwelling units in the cluster development shall in no case exceed the number of lots or dwelling units in the standard subdivision.

2. Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The written statement shall describe the
natural features, which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to moderate-to-high value wildlife and waterfowl habitats, important agricultural soils, moderate-to-high yield aquifers and important natural or historic sites identified by the comprehensive plan as worthy of preservation. The statement shall also compare the impacts upon the municipality from each plan. Examples of impacts are municipal cost for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of floodwater storage areas, and environmental impacts on sensitive lands caused by construction activities, underground utilities, and reclamation of land and provision of land for conservation use.

3. Within ten days of receiving the application, the Board shall invite comments on the application from the appropriate town agencies, and abutters. The Board may schedule a public hearing on the proposal, in which case notice thereof shall be provided in accordance with Section 6.1.G. Within thirty days of receiving the application, or within thirty days after a public hearing, the Board shall determine whether to allow the subdivision to be developed in accordance with the cluster standards of this section.

C. Basic Requirements for Cluster Developments (Open Space Developments).

1. Cluster developments shall meet all requirements of this ordinance and the Zoning Ordinance.

2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The application shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this ordinance.

3. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:

   a. 15% of the area of the lot to account for roads and parking.

   b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Board.

   c. Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
d. Portions of the lot, which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
   i. Slopes greater than 20%.
   ii. Organic soils.
   iii. Wetland soils.
   iv. 50% of the poorly drained soils.
   v. Portions of the lot subject to rights of way.
   vi. Portions of the lot located in the resource protection zone.
   vii. Portions of the lot covered by surface waters.
   viii. Portions of the lot utilized for storm water management facilities.

4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the zoning ordinance. No building shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.

5. Unless a community sewage collection and treatment system is provided, no lot shall be smaller in area than 20,000 square feet.

6. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. No less than 30% of the reserved open space shall be usable open space.

7. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.

8. The distance between buildings shall not be less than 20 feet.

9. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

10. Shore frontage shall not be reduced below the minimum normally required by the zoning ordinance.

11. Where a cluster development (open space developments) abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
9.2 Performance Standards - Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services of Cluster Developments.

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

1. The owners of the lots or dwelling units by means of an owners’ association;

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

3. The municipality.

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

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

1. It shall not be used for future building lots; and

2. Which portions of the open space, if any, may be dedicated for acceptance by the municipality?

D. The final plan application shall include the following:

1. Covenants for mandatory membership in the owners’ association setting forth the owners’ rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.

2. Draft articles of incorporation of the proposed owners’ association as a not-for-profit corporation; and

3. Draft by-laws of the proposed owners’ association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

E. In combination, the documents referenced in paragraph D above shall provide for the following.

1. The homeowners’ association shall have the responsibility of maintaining the common property or facilities.
2. 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.

3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

4. 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. The Board upon request of the owners’ association or the developer shall make such determination.
ARTICLE 10 - DWELLING UNIT SUBDIVISION CRITERIA

IN ADDITION TO THE PERFORMANCE STANDARDS AND DESIGN GUIDELINES IN ARTICLE 8 AND ARTICLE 9, THIS ARTICLE SHALL APPLY TO ALL SUBDIVISIONS CONSISTING OF DWELLING UNITS.

10.1 Utilization of Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be located in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of the construction, and limiting the extent of excavation.

10.2 Traffic Access and Parking

A. Vehicular access to the site must be on roads, which have adequate capacity to accommodate the additional traffic generated by the development.

B. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

C. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

10.3 Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service and emergency vehicles through the site.

10.4 Parking Layout and Design

A. Off-street parking must conform to the following standards:

1. All dwelling units must be provided two (2) off-street parking spaces.

2. Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the streets.

3. All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffers require a greater distance.
4. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

5. Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for residential parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

6. Provisions must be made to restrict the “overhang” of parked vehicles when it might restrict traffic flow on adjacent thoroughfares, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

10.5 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development.

10.6 Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible.

10.7 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.

10.8 Buffering of Adjacent Uses

The development must provide for the use of buffering for adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these or other techniques.

10.9 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

10.10 Storage of Materials

Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other
articles of salvage or refuse must have sufficient setbacks and screening (such as stockade fence or a dense evergreen hedge) to provide a buffer sufficient to minimize their impact on abutting residential use and users of public streets.

10.11 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

10.12 Building Scale

New buildings within a built-up area should be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood.
ARTICLE 11 - PERFORMANCE GUARANTEES

11.1 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 town manager;

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, or town manager; or

4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed provided that no lot in the subdivision may be sold and no permit shall be issued for construction or placement of any structure on any lot until the improvements have been satisfactorily completed.

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. In no case shall the amount of the guarantee be less than 125% of the estimated cost of completion or upgrading of the required improvements.

11.2 Contents of Guarantee.

The performance guarantee shall be memorialized in an agreement between the applicant and the Town, which agreement shall, at a minimum, 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, a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction, and such other provisions as the Town Manager deems appropriate or necessary.
11.3 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. 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.

11.4 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.

11.5 Letter of Credit.

An irrevocable letter of credit from a bank or other lending institution, to the satisfaction of the town manager, 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.

11.6 Conditional Agreement.

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

1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this ordinance and the regulations of the appropriate utilities; or

2. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 11.8.

11.7 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.

11.8 Release of Guarantee.

Prior to the release of any part of the performance guarantee, the Town Manager/Town Council shall determine to its satisfaction, in part upon the report of the Planning Board 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.

11.9 Default.

If upon inspection, the engineer 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.

11.10 Improvements Guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of this ordinance 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. In addition, the costs associated with oversight of inspection by the Town Engineer and representation and review by the Town Attorney. Before acceptance of any improvements by the Town, the subdivider shall enter into an agreement with the Town to guarantee the improvements for a period of not less than 2 years and 8 months, which agreement shall contain such terms and conditions and shall contain such performance guaranty mechanisms as the Town Manager deems necessary or appropriate.
ARTICLE 12 – WAIVER

12.1 Waivers From Submission Requirements.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of this ordinance 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 this ordinance.

12.2 Waivers From Required Improvements.

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 this ordinance, and further provided the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

12.3 Conditions.

Waivers may only be granted in accordance with Sections 12.1 and 12.2. When granting waivers, the Board shall set conditions so that the purposes of this ordinance are met. The Planning Board shall enter into its record the reasons for granting any waivers and any conditions, which it has required.

12.4 Waivers to be shown on final plan.

When the Board grants a waiver to any of the improvements required by this ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.
ARTICLE 13 - REVISIONS TO APPROVED PLANS

13.1 Procedure.

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

13.2 Submissions.

The applicant shall submit a copy of the approved plan as well as eight (8) copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this ordinance 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.

13.3 Scope of Review.

The Board’s scope of review shall be limited to those portions of the plan, which are proposed to be changed.
ARTICLE 14 – APPEALS

14.1 Procedure

An appeal may be taken, within 30 days from the Planning Board’s decision on the Final Plan, by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.
ARTICLE 15 - INSPECTIONS AND ENFORCEMENT

15.1 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 he/she proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

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

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Board to modify the plans in accordance with Article 13.

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 occurred on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The
report shall also include a discussion and recommendations on any problems, which were encountered.

E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

F. Upon completion of street construction and prior to consideration of acceptance of the same as a town way, 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 town way meets or exceeds the design and construction requirements of this ordinance and the Glenburn Road Ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. “As built” plans prepared by a professional engineer shall be submitted to the municipal officers.

G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with an owners’ association.

15.2 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 this ordinance (30-A M.R.S.A. § 4406(1));

B. No person may sell, lease, develop, build upon or convey for consideration, or offer to agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the Planning Board, and subsequently recorded in the Penobscot County Registry of Deeds. (30-A M.R.S.A. § 4406 (1))

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 the Board has not approved a final plan.

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 this ordinance 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 this ordinance 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 this ordinance.

G. Failure to comply with any conditions of approval shall be a violation of this ordinance.

H. Failure to pay application fees, filing fees, and technical review fees shall be a violation of this ordinance.

I. Any violation of this ordinance is a nuisance.

J. It shall be the duty of the Code Enforcement Officer to enforce any violations of this ordinance. If the CEO finds that any provision of this ordinance is being violated, the CEO shall notify the developer, owner or any other person responsible for the violation in writing setting forth the nature of the violation and ordering such corrective action as the CEO deems necessary or appropriate.

K. When there is a violation of the ordinance, the Town Council may authorize and direct the institution of any and all actions and proceedings, either legal or equitable, including seeking injunctive relief and the imposition of civil penalties that may be necessary or appropriate to enforce the provisions of this ordinance in the name of the Town of Glenburn.

L. Any violation of this ordinance is subject to an enforcement action under 30-A M.R.S.A. § 4452, and to the remedies, civil penalties, expenses, costs, and legal fees available to the Town of Glenburn pursuant to that statute. Each violation and each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town.

M. Any contractor or subcontractor involved in any activity regulated by this ordinance shall be held liable for violating this ordinance if the necessary permits and/or approvals for such activity have not been obtained, or the activity is done in violation of the provisions of this ordinance or the terms and conditions of said permits and/or approvals.
ARTICLE 16-DEFINITIONS

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

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

Applicant: The person applying for subdivision approval under this ordinance.

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.

Blasting: The use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formation.

Blasting Plan: A site plan indicating proposed blast areas and locations of all off-site structures and wells not owned or controlled by the applicant within 2,000 feet of any blast site, together with a report prepared by a qualified professional that includes the following: (a) assessment of the potential for adverse effects of blasting on protected natural resources and structures and wells not owned or controlled by the applicant considering, at a minimum, ground vibration, peak particle velocities, noise and airblast effects and on-site and off-site ground and surface water quality or quantity and (b) a plan of action which addresses methods to control adverse effects from ground vibration, airblast and flyrock; provides details on the proposed blast design, monitoring of blasts (as applicable), and a blast schedule; and includes provisions for pre-blast surveys, signage, warnings, and access control during blast events.

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 Subdivision (Open Space Subdivision): A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.
**Certified Soil Scientist:** As registered, licensed and/or certified by the appropriate licensing and registration boards in the State of Maine.

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

**Complete Application:** An application shall be considered complete when the Planning Board determines that the applicant has submitted all of the required fees and all matters required by this ordinance, and that the submissions comply with the requirements of this ordinance.

**Complete Substantial Construction:** The completion of a portion of the improvements which represents no less than seventy (70) percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

**Comprehensive Plan:** A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

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

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

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

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

Dwelling Unit: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, apartments and time-share units.

Engineered Subsurface Waste Water Disposal System: A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of wastewater per day or more; or any system designed to be capable of treating wastewater with higher BOD₅ and total suspended solids concentrations than domestic wastewater.

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: Freshwater swamps, marshes, bogs and similar 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 this ordinance, 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 classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

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:

Coastal Waters: The elevation at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant. By way of illustration, salt tolerant vegetation includes, but is not limited to: salt marsh grass, salt meadow hay, black arrow grass, seaside lavender, silverweed, salt marsh bulrush, seaside plantain, orach, salt marsh sedge, salt marsh aster. In places
where vegetation is not present, the high water mark shall be the identifiable debris line left by non-storm tidal action. On a sand dune, the high water mark shall be the mean seaward limit of salt tolerant vegetation.

**Inland Waters:** That line, which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal 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*, 1991 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

**Multifamily Development:** A subdivision, which contains three or more dwelling units on 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.

**Net Residential Acreage:** The area of a lot, which is suitable for development, determined by subtracting, in order, the following from the total acreage of the lots:

1. 15% of the total acreage of the lot as an allowance for roads and parking
2. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the building inspector/code enforcement officer subject to review by the Planning Board in the event of a dispute.
3. Portions of the lot shown to be in the floodway or coastal high hazard area as designated on the Department of Housing and Urban Development flood boundary and floodway map or flood insurance rate map.
4. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to (a) water table at the surface for all or part of the year, or (b) unstable soil such as Sebago mucky peat, coastal dune or tidal marsh, as determined by the building inspector/code enforcement officer subject to review by the Planning Board in the event of a dispute.
5. Portions of the lot subject to rights of way or easements.
6. Portions of the lot located in the resource protection district, except land above the upland edge of a wetland, pursuant to the Shoreland Zoning Ordinance for the Town of Glenburn, Maine.
7. Portions of the lot covered by surface water bodies.
8. Portions of the lot utilized for storm water management facilities.

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

**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 or other legal entity, as well as an individual.

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

**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.

**Professional Land Surveyor:** As registered, licensed and/or certified by the appropriate licensing and registration boards in the State of Maine.

**Public Water System:** A publicly owned or privately owned water supply system that provides water for human consumption to at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days a year.

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

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

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

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

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

**Street Classification:**

**Arterial Street:** A major thoroughfare, which serves as a major traffic way for travel between and through the municipality.
Collector Street: See Road Ordinance for definition.

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

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

Minor Residential Street: See Road Ordinance for definition.

Private Right-of-Way: A right-of-way not intended to be dedicated as a public way.

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

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

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

   (2) The division of the tract or parcel is otherwise exempt under this definition.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this ordinance, do not become subject to this ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

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

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.
D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of the ordinance. “Persons related to the donor” means spouse, parent, grand parent, brother, sister, child or grandchild related by blood marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than ½ of the assessed value of the real estate.

D-5. A division accomplished by a gift to and acceptance by the Town of Glenburn, unless the intent of the transferor is to avoid the objectives of this ordinance.

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

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the Planning Board has determined that the units are otherwise subject to municipal review at least as stringent as that required under this ordinance.
H. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.

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

Subdivision, Minor: Any subdivision containing four lots or dwelling units or less, and in which no street is proposed to be constructed.

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%.

Wet Pond: Any storm water detention impoundment that has a pool of water and also has the capacity to temporarily store storm water runoff while it is released at a controlled rate. The facility is designed to provide flood control as well as water quality treatment. Properly sized and maintained, wet ponds can achieve high rates of removal of a number of urban pollutants, and can be a cost-effective BMP for large, intensively developed sites.