

**SUBDIVISION ORDINANCE**

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**ARTICLE I    PURPOSE**

The purpose of these regulations are to assure the comfort, convenience, safety, health, and welfare of the people, of the Town of Belgrade, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving Subdivisions within the Town of Belgrade, Maine, the Planning Board shall consider the following criteria and before granting approval, shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of Title 30, M.R.S.A. 4956, Subsection 3. The Subdivision:

**1.1** Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the discharge of phosphorous in sensitive lake watersheds;

**1.2** Has sufficient water available for the reasonably foreseeable needs of the Subdivision;

**1.3** Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

**1.4** Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

**1.5** Will not cause unreasonable highway/or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

**1.6** Will provide for adequate solid and sewage waste disposal;

**1.7** Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.

**1.8** Will not have an undue adverse effect on the scenic or

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natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; and

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**1.9** Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan if any.

**1.10** The subdivider has adequate financial and technical capacity to meet the above stated standards.

**1.11** Whenever situated in whole or in part, within 250 feet of any pond, lake, river or stream, will not adversely effect the quality of the body of water or unreasonable affect the shoreline of that body of water.

**1.12** Will not, along or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

**1.13** All principal structures within the Subdivision shall be constructed with their lowest floor, including the basement, at least two (2) feet above the one hundred (100) year flood elevation.

## **ARTICLE II - AUTHORITY AND ADMINISTRATION**

### **2.1 Authority**

A. These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., 4956, Subsection 2.

B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Belgrade, Maine".

### **2.2 Administration**

A. The Planning Board of the Town of Belgrade, hereinafter called the Board, shall administer these standards.

B. The provisions of these standards shall pertain to all land proposed for subdivision as defined in Title 30, M.R.S.A., 4956, Subsection 1, within the boundaries of the Town of Belgrade.

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### ARTICLE III DEFINITIONS

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

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

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

**Comprehensive Plan or Policy Statement:** Any part or element of the overall plan or policy for development of the municipality as defined in Title 30 M.R.S.A. , Section 4961.

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

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

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

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

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**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.

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

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

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

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

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

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

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

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individual.

**Planned Unit Development:** A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

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**Planning Board:** The Planning Board of the Town of Belgrade, created under Title 30 M.R.S.A. 4964.

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

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

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

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

**Street Classification:**

**Arterial Street:** A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: Route 27, Route 8, Route 11, Route 135, Narrows/Castle Island Road, and Wings Mills Road.

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

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

**Minor Street:** A street servicing less than fifteen lots or dwelling units.

**Private Right-of-Way:** A vehicular access-way serving no more than two dwelling units.

**Subdivision:** The division of a tract or parcel of land into

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three or more lots within any five-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of these regulations, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purpose of these regulations.

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In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whoever accomplished, unless otherwise exempted herein, shall be considered to create the third lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least five (5) years prior to such second dividing. Lots of forty (40) or more acres shall not be counted as lots except where such lots are located wholly or partly within any Shoreland Zone in which case Planning Board approval under this Ordinance shall be required, provided that the average lot depth to shore frontage ratio is greater than five (5) to one (1).

For the purpose of these regulation, a tract or parcel of land is defined as 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.

In addition, the term Subdivision shall include campgrounds, cluster housing, mobile home parks, motels, hotels, apartments, condominiums, cooperative housing, and other multi-family housing if any of the above contain three (3) or more living units.

The term Subdivision shall also include shopping centers, and industrial and commercial developments of three (3) or more separate or distinct units of land, structures, or parts of a structure with a clearly separate but not necessarily different use of intended use from the units adjacent to it, even if owned by the same person.

**Subdivision, Major:** Any Subdivision containing more than six (6) lots, dwelling units or other Subdivision units, or any Subdivision containing a proposed street.

**Subdivision, Minor:** Any Subdivision containing not more than six (6) lots, dwelling units or other Subdivision units, and in which no street is proposed to be constructed.

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

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#### ARTICLE IV ADMINISTRATIVE PROCEDURE

**4.1 Purpose.** The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing Subdivisions.

**4.2 Agenda.** In order to avoid unnecessary delays in processing applications for Subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting, Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.

#### ARTICLE V PREAPPLICATION

##### 5.1 Procedure

- A. Application presentation and submission of sketch plans.
- B. Questions and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- C. Scheduling of on-site inspection.

**5.2 Submission.** The preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of street, lots, and other features in relation to existing conditions. of the site and the proposed development. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located . The Sketch Plan shall be accompanied by a copy of a portion of the U.S.O.S. Topographic Map of the area showing the outline of the proposed Subdivision, unless the proposed Subdivision is less than ten acres in size.

**5.3 On-Site Inspection.** Within thirty (30) days, the Board shall hold an on-site inspection of the property. The thirty(30) days may be adjusted to account for snow cover and

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other weather conditions.

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

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**ARTICLE VI MINOR SUBDIVISIONS**

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

**6.2 Procedure.**

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

B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of \$80.00., payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification.

C. The subdivider shall notify, all owners of abutting property and grantees of easement that an application for Subdivision approval will be submitted to the Board and provide documentation of such to the Board. Abutting property owners and grantees of easements must receive notification by certified mail two (2) weeks prior to Final Plan Application submission.

D. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

E. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the Final Plan application.

F. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of the receipt of a complete application, and shall publish notice of the date,

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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.

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G. Within thirty days of a public hearing or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

### **6.3 Submissions.**

A. The Subdivision Plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for Subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 X 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted.

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

1. Proposed name of the Subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

3. A copy of the deed from the survey was based. A copy of all deed restrictions, easements, rights-of-ways, or other encumbrances currently affecting the property.

4. A copy of any deed restrictions intended to cover all or part of the lots in the Subdivisions.

5. Test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

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6. A plan for the disposal of storm water and surface drainage prepared by a Maine Registered Professional Engineer.

7. The date the plan was prepared, north point, graphic map scale, names, and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners.

8. A copy of the portion of the county soil survey covering the Subdivision.

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9. Ten(10) foot interval contour lines showing elevations in relation to Mean Sea Level.

10. If any portion of the Subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

11. Additional information may be required for Minor Subdivisions located on sensitive sites including location in the McGrath Pond or Salmon Lake watersheds, in areas of steep slope (greater than 15 percent). in the Shoreland zone, or including wetlands and other important wildlife habitats. For such Subdivisions, the appropriate submissions and standards for Major Subdivisions shall be required.

12. A hydrogeologic assessment prepared in accordance with Section 10.11 and by a Certified Geologist experienced in hydrogeology when:

a. any part of the Subdivision is located over a sand and gravel aquifer, as mapped by the Maine Geological Survey;

b. the subdivision contains lots less than 100,000 square feet in total area; or

c. the Subdivision has an average density of less than 100,000 square feet per dwelling unit.

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**ARTICLE VII PRELIMINARY PLAN FOR MAJOR SUBDIVISION**

**7.1 Procedure**

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

B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$15.00 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of \$25.00 per lot or dwelling unit to be deposited in a special account designated for that Subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant, and require that an additional \$10.00 per lot of dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a final decision on the Subdivision application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

C. The subdivider, or his duly authorized representative shall attend the meeting of the Board to discuss the Preliminary Plan.

D. The subdivider shall notify all owners of abutting property and grantees of easements, that any application for Subdivision approval will be submitted to the Board and provide documentation of such to the Board. Abutting property owners and grantees of easements must receive notification by certified mail two (2) weeks prior to Preliminary Plan application submission.

E. Within thirty days of receipt of a Preliminary Plan

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application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

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F. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

G. The Board may schedule additional on-site visits as it deems necessary in order to evaluate the Preliminary application and information presented to the Board during a public hearing.

H. The Board shall within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

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 in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare, and

3. The amount of all Performance Guarantees which it will require as prerequisite to the approval of the Final Plan.

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 approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a

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result of the further study of the Subdivision or as a result of new information received.

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## 7.2 Submissions

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

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

B. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for Subdivisions containing more than one hundred acre to be drawn at a scale of not more than two hundred feet to the inch provided all necessary details can easily be read. In addition, one copy of the plan(s) reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for Preliminary approval:

1. Proposed name of the Subdivision and the name of municipality in which it is located, plus the Tax Assessor's Map and Lot number.
2. Documentation showing title, right or interest of the applicant in all land parcels associated with the proposed Subdivision.
3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearing and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of

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monument set or found at each corner.

4. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-ways, or other encumbrances currently affecting the property.

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

6. Ten (10) foot interval contour lines showing elevations in relation to Mean Sea Level.

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7. The number of acres within the proposed Subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.

8. 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 letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted.

b. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

9. Indication of the type of water supply system(s) to be used in the Subdivision.

10. The date the plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner subdivider, and individual or company who prepared the plan.

11. The names and addresses of owners of record adjacent property, including any property directly across an existing public street from the Subdivision.

12. The location of any zoning boundaries affecting the Subdivision.

13. The location and size of existing and proposed sewers, water mains, culvert's, and drainage ways on or adjacent to the property to be subdivided.

14. The locations, names, and present widths of existing and proposed streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the Subdivision.

15. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the Subdivision.

16. The proposed lot lines with approximate dimensions and lot area.

17. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

18. The location of any open space to be preserved and an indication of its improvements and management.

19. A soil erosion and sedimentation control plan.

20. A plan for the disposal of surface drainage waters,

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#Amended by Referendum Jun 6, 1995

prepared by a Maine Registered Professional Engineer.

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#Amended by Referendum Jun 6, 1995

21. A copy of that portion of the county soil survey covering the Subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

22. If any portion of the Subdivision is in a flood prone area, the boundaries of any flood hazard areas and the one hundred (100) year flood elevation shall be delineated on the plan.'

23. If any portion of the Subdivision is within the watershed of Salmon Lake or McGrath Pond, a phosphorous control plan shall be submitted which will limit phosphorous runoff after development in accordance with the phosphorous control standards found in Article XIII.

24. A hydrogeologic assessment prepared in accordance with Section 10.11 and by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology; and

a. any part of the Subdivision is located over a sand and gravel aquifer, as mapped by the Maine Geological Survey,

b. the Subdivision contains lots less than 100,000 square feet in total area; or

c. the Subdivision has an average density of less than 1000,000 square feet per dwelling unit.

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

### **8.1 Procedure**

A. The subdivider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmitting of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan , plus any recommendations made by the Board.

B. All applications for Final Plan approval for Major

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Subdivision shall be accompanied by an application fee of \$20.00 per lot or dwelling unit payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

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C. The subdivider, or his duly authorize representative, shall attend the meeting of the Board to discuss the Final Plan.

D. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the Final Plan application.

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

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.

2. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.

3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

F. A public hearing may be held by the Planning Board within thirty (30) days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two (2) times, the date of the first publication to be at least seven (7) days before the hearing and the notice of the hearing shall be posted in at least three (3) prominent places at least seven days prior to the hearing. When a Subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten (10) days prior to the hearing.

G. The Planning Board shall notify the Road Commissioner, School Superintendent, and Fire chief of the proposed Subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed

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Subdivision.

H. Before the Board grants approval of the Final Plan, the subdivider shall meet the design standard in Articles X and XI, and the Performance Guarantees requirements contained in Article XI

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

I. If the Subdivision is located in more than one municipality, the Board may have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan.

J. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30, M.R.S.A. 4956, Subsection 3 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the Subdivision. The reasons for any conditions shall be stated in the records of the Board.

## **8.2 Submissions**

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for Subdivisions containing more than seventy five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. One reproducible, stable based transparent or original to be recorded at the Registry of Deeds, and three copies of the plan shall be submitted. In addition, one copy of the Final Plan, reduced to a size of 8-1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The application for approval of the Final Plan shall include the following information:

A. Proposed name of the Subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

B. . An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor.

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The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

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

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D. Indication of the type of sewage disposal to be used in the Subdivision

E. Indication of the type of water supply system(s) to be used in the Subdivision.

1. When water is to be supplied by a common water supply, the location of the water source the design of the distribution system and a operation plan shall be submitted. The operation plan shall include quality monitoring and treatment plants. Wells shall be protected by a 300 foot radius natural buffer zone.

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

F. The date the plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.

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

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

I. The location names, and present widths of existing and proposed streets, highways, 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. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

J. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, with the Subdivision

K. All parcels of land proposed to be dedicated to public

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use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to

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the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

L. If any portion of the Subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

### **8.3 Final Approval and Filing**

A. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.

B. Upon findings of fact and determination that all standards in Title 30 M.R.S.A. 4956, Subsection 3, and these regulations have been met, and upon voting to approve the Subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. All conditions of approval shall be shown on the Final Plan including the standard conditions of approval contained in Section 8.3.g. One copy of the signed plan shall be retained by the Board as part of its permanent records.

One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any Subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the plan. If any municipal or quasi-municipal department head notified of the proposed Subdivision informs the Board that their department or district does not have adequate capital facilities to service the Subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the Subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the Subdivision, considering previously approved but not built

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subdivision, the Board shall require the plan be divided into sections to prevent classroom overcrowding.

D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 9.1.C. The Board shall make findings that the revised plan meets the standards of Title 30, M.R.S.A. 4956, Subsection 3, and these

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regulations. In the event that a plan is recorded without complying with this requirement, it shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

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

F. Failure to commence substantial construction of the Subdivision within two years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a Subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

G. Standard conditions of approval include:

1. No lot may be resubdivided without prior Board approval.

2. Natural vegetative buffer and filter strips as shown on the Final Plan shall not be altered except for the cutting of dead trees.

3. Prior to the sale or transfer of the title of a Subdivision approved under this Ordinance, the prospective buyer must obtain Board approval, demonstrating a willingness and technical and financial ability to comply with the Final Plan and any conditions of approval.

4. All reasonable efforts shall be undertaken to prevent soil erosion.

5. Compliance with all applicable State, Federal and Local laws and regulations.

6. The developer shall identify and coordinate with the Belgrade Code Enforcement Officer major project phases for the purpose of scheduling on-site compliance inspections.

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

**ARTICLE IX ENFORCEMENT**

**9.1 Inspection of Required Improvements.**

A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvement, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

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

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

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 December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measure (both temporary and permanent) are in place, are property installed, and appear adequate to do the job

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they were designed for. 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

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F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

G. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of a the improvements by the municipality or establishment of a Subdivision Association which specifically agrees to accept this responsibility.

## **9.2 Violations and Enforcements**

A. No plan of a division of land within the municipality which would constitute a Subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.

B. No person, firm, cooperation, or other legal entity may convey any land in a Subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

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

D Any person, firm, corporation or other legal entity who conveys any land in a Subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than \$100.00, and not more than \$2,500.00 for each such conveyance. The Municipality may institute proceedings to enjoin the violation of this Section, and may collect attorney's fees and court costs if it is the prevailing party.

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

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F. Development of a Subdivision without Board approval shall be a violation of law. Development for the expressed purpose of developing a Subdivision includes clearing, grading or construction of roads (except logging roads), grading of land or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.

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G. No lot in a Subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

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## **ARTICLE X GENERAL STANDARDS**

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

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

### **10.2 Retention of Open Spaces and Natural or Historic Features.**

A. In any Subdivision larger than ten (10) acres, the developer shall reserve fifteen (15%) percent of the total project area as open space to maintain wildlife habitat. The Board may require natural buffer areas be maintained around important wildlife habitats, wetlands, deer wintering ares or wildlife travel lanes.

B Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. Sites selected to include scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

C. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.

D. The Board may require that the development plans include a landscape plan that will show the preservation of natural screening, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas.

**10.3 Land Not Suitable for Development.** The following

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lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the Minimum Lot Size Law.

A. Land which is situated below the normal high water mark of any water body.

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

C. Land which is part of a right-of-way, or easement, including utility easements.

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

E. Land that has been created by filling or draining a pond or wetland.

#### **10.4 Lots**

A. All lots shall meet the requirements of the Belgrade Minimum Lot Size Ordinance. Within the authority established in Article XIV of this Ordinance, the Planning Board may waive the road frontage requirements of the Belgrade Minimum Lot Size Ordinance with respect to any and all lots which are approved under Article X, Section 10.7, Cluster Developments.\*

B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.

C. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.

D. Lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side.

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Where the proposed Subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the Postmaster and his/her comments considered by the Board.

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**10.5 Required Improvements.** The following improvements are required for all Subdivisions unless waived by the Board in accordance with provisions of these regulations.

A. Monuments

1. All Subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation consisting of iron pins or stone monuments.

B. Water Supply

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

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

b. The subdivider shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the Subdivision will not permit their construction or submittal of a letter from the Belgrade Fire Chief that such ponds are not needed to provide adequate fire protection.

c. Dug and drilled wells must be at least one hundred (100) feet from existing sewage disposal systems.

C. Sewage Disposal

1. Private System

a. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine License Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting

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factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

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b. In no instance shall a disposal area be permitted on soils or on a lot which requires a New System variance from the Subsurface Wastewater Disposal Rules unless lot size exceeds 100,000 square feet.

D. Surface Drainage.

1. Where a Subdivision is traversed by a stream, river, or surface water drainageway, or where the Board feels that surface water run-off to be created by the Subdivision should be controlled, there shall be provided easements or drainage rights-of-ways with swales, culverts, catch basins or other means of channelling surface water within the Subdivision and over other properties, This storm water management system shall be designed by a Registered Professional Engineer.

2. Drainage easements for existing water-courses or proposed drainage ways shall be provided and indicated on the plan at least thirty (30) feet wide, conforming substantially with the lines of the existing natural drainage.

3. The developer shall provide a statement from the designing engineer that the proposed Subdivision will not create erosion, drainage or runoff problems either in the Subdivision or in other properties. Where the peak runoff from the Subdivision onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such addition discharge shall be obtained.

4. A storm water drainage plan showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section 11.4, shall be submitted.

5. Roadside drainage ditches shall not discharge directly to any stream or pond but instead will discharge to a natural filter strip or a sedimentation basin designed for a 25 year storm by a Maine Registered Engineer.

6. Filter strips of natural vegetation shall be maintained along both sides of all intermittent and perennial stream channels at road crossings, where roads parallel streams and all other areas of soil disturbance as specified below:

Slope of land (percent)	Minimum width of filter strip (ft)
0	25
10	45
20	65

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30	85
40	105
50	125
60	145
70	165
80	185
90	205
100	225

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7. Filter strips of natural vegetation between roads, construction areas, areas of soil disturbances, and great ponds shall be maintained in accordance with paragraph 6 above.

8. Phosphorous control standards. Contained in Article XIII shall be followed for projects or portions, of projects within the Salmon Lakes or McGrath Pond watersheds.

#### **10.6 Land Features**

A. Topsoil shall be considered part of the Subdivision and shall not be removed from the site except for surplus top soil from roads, parking areas, and building excavations.

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

C. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a waterbody, and extending one hundred feet inland from all points along the normal high water mark shall be limited in accordance with the following if not in the Shoreland Zone.

1. Nor more than 30% of the length of the strip shall be clear-cut to the depth of the strip.

2. Cutting of this 30% shall not create a clear-cut opening greater than thirty feet wide.

3. In the remaining 70% length of the strip, no vegetation other than dead trees and shrubs shall be cut in order to maintain sufficient cover to preserve natural beauty and control erosion.

#### **10.7 Cluster Development**

A. Purpose. The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the new residential density shall be no greater than is permitted in the Zoning District in which the development is proposed. To this end, the layout, and dimensional requirements of the Zoning Ordinance may be altered without restriction except height limitations.

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B. Basic Requirements.

1. All the requirements and standards of these regulations, except those dealing with lot layout and dimensions shall be met.

2. The minimum area of land in a cluster development shall be ten acres, except where there is public water and sewer.

3. The plan shall indicate the location of all proposed roads, structures, parking areas, footpaths and common open space.

4. No building shall be constructed in an inland wetland as mapped by the Maine Geological Survey.

5. Where a cluster development abuts a waterbody, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.

6. In cluster developments with individual lot sizes of 20,000 square feet or less,, all dwelling units shall be connected to a common water supply and distribution system.

7. In cluster development with individual lot sizes of 20,000 square feet or less, all dwelling units shall be connected to a central collection and treatment system.

8. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes, and natural drainage areas, in accordance with an overall plan for site development and landscaping.

**10.8 Dedication and Maintenance of Common Open Space and Services.**

A. All common land shall be owned jointly or in common by the owners of the dwelling units by means of a Homeowners Association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.

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

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

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

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

D. If any or all of the common open space and services are to be reserved for use by the residents, the by-laws the proposed Homeowners Association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

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E. Covenants for mandatory membership in the Homeowners Association setting forth the owner's rights, interests, and privileges in the Association and the common property, shall be reviewed by the Board and included in the deed for each lot dwelling.

F. The Homeowners Association shall have the responsibility of maintaining the common property.

G. The Association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.

H. 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.

**10.9 Construction in Flood Hazard Areas.** When any part of a subdivision is located in a special flood hazard areas as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

**10.10 Water Frontage and Lot Size Requirements for common Lots.** A common lot to be used for the access to a waterbody shall have 50 feet of water frontage for each lot or living unit with the right to use this common lot. Such a common lot shall have a minimum area of one acre and no less than 200 feet water frontage.

**10.11 Impact on Ground Water**

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

1. A map showing the basic soils types.
2. The depth to the water table at representative points throughout the Subdivision.
3. Drainage conditions throughout the Subdivision.
4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on

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neighboring properties.

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#Amended by Referendum Jun 6, 1995

5. 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 concentration at any wells within the Subdivision, at the Subdivision boundaries and at a distance of 500 feet from potential contamination sources, whichever is a shorter distance. For Subdivisions within the watershed of a lake, projections of the development's impact on ground water phosphorous concentrations shall also be provided.

6. A map showing the location of an subsurface wastewater disposal systems and drinking water wells within the Subdivision and within 200 feet of the Subdivision boundaries.

B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual division boundaries.

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

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G. The Board shall require lot sizes larger than required by the Belgrade Minimum Lot Size Ordinance, or lower residential density than allowed by the Zoning Ordinance, where completion of the following formula indicates such lot sizes or densities are necessary in order to meet the standards above;  $d = (q) (C \text{ nitrate} - C_b) \text{ divided by } (C_s) (q_s)$ . "d" is the allowable housing density in dwellings per acre "q" is the rate of natural ground water recharge, averaged over the year in gpm/acre; some representative numbers based on soil types are:

glaciomarine clay-silt	0.11-0.23
thick silty clay	0.23
thin soil over rock	0.33
thin till over rock	0.46
sandy glacial till	0.57
glaciomarine fine sands	0.91
raised beach deposits	1.16
sand and gravel	1.16

C nitrate is the maximum acceptable resultant concentration of nitrate-nitrogen in ground water as a result of subsurface sewage disposal systems, 5 mg/l.

$C_b$  is the nitrate-nitrogen concentration in ground water

$C_s$  is the nitrate-nitrogen concentration in typical septic tank discharge, 30 mg/l.

$q_s$  is the average leachfield discharge rate per dwelling, which is equal to 70% of 300 gallon per day or 0.15 gal/min.

H. Underground petroleum storage is prohibited on sand and gravel aquifers mapped by the Maine Geological Survey, within 300 feet of all private wells, or within 1,000 feet of a public drinking water supply source except in 360 degree double-walled fiberglass or cathodically protected steel tanks and piping.

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**10.12 Parcels to be Subdivided.** # A parcel to be subdivided shall be abutted by an existing public road such that each lot has either direct access to that public road or has indirect access via a right-of-way within the subdivision reserved for a public road or a privately owned road, or have at least one (1) right-of-way of sixty (60) feet, or greater, width between the parcel and an existing public road to serve as a means of entrance to/exit from the parcel.

# Where more than one (1) entrance to/exit from a subdivision is required by this Ordinance, each entrance to/exit from the subdivision shall be via right-of-ways within the subdivision reserved for public roads or privately-owned roads that directly intersect one or more existing abutting public roads or that intersect one (1) or more right-of-ways of sixty (60) feet, or greater width between the parcel and one (1) or more existing public roads.

Nothing in this Subsection shall require that the subdivision contain a proposed public or privately-owned road or that any right-of-way to/from the subdivision be a part of the subdivision.

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**ARTICLE XI- STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS.**

**11.1 General Requirements**

A. The Board shall not approve any Subdivision Plan unless proposed streets and storm water management systems are designed in accordance with the specifications contained in these regulations. Approval of the Final Plan by the Board, shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

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

1. Date, scale, and magnetic or true north point.
2. Intersections of the proposed street with existing streets.
3. Roadway and right-of-ways limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
4. Kind, size, location, material, profile, and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
5. Complete curve data shall be indicated for all horizontal and vertical curves.
6. Turning radial at all intersections.
7. Center line gradients.
8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting and cable television.

C. Upon receipt of plans for a proposed public street the Board shall forward one copy to the Municipal Officers and the Road Commissioner for review and comment.

**11.2 Street Design Standards**

A. These design standards shall be met by all streets with Subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other

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appurtenances.

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

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C. Where a subdivision borders an existing narrow streets (not meeting the width requirements of the standards for streets in these regulation), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the Subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Municipality or State.

D. Where Major Subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the plan and in the deeds of any lot with frontage on the arterial street.

E. Any subdivision containing fifteen dwelling units or more shall have at least two street connections with existing public streets. Any street serving fifteen dwelling units or more shall have at least two street connections leading to existing public streets.

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F. # The following design standards apply according to street classification:

Description	TYPE OF STREET		
	Residential Street	Private R.O.W	Indust/Comm.
Min R.O.W.Width	60'	60'	66'
Min Travel Lane	25'	18'	25'
Min. Grade	0.5%	N/A	0.5%
Max Grade	5%	10%	5%
Min Centerline Radius	150	N/A	800'
Roadway Crown	1/4"/ft paved	N/A	1/4 ft pvd.
Min angel of street intersection	90ft	90degree	90 deg.

Description	TYPE OF STREET		
	Residential Street	Private R.O.W.	Indus. Comm.
Max. Grade within 75 ft of intersec.	2%	N/A	2%
Minimum width of Shoulders each side	4'	3'	9'

Note: These standards may change to comply with periodic updates of the Belgrade Road Ordinance.

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

H. # Dead End Streets. In addition to the design standards above, no subdivision shall be approved in which a dead-end street is lacking either direct intersection with a public road or access to a public road via one or more approved subdivision roads.

# Furthermore, a dead-end street shall be less than one-thousand (1000) feet in centerline length, as measured from the centerline of the public road of origin, or, if longer, shall serve not more than twenty (20) lots, total, within and

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external to the parcel being divided. If any lot served by a dead-end street is used for any commercial or industrial purpose, the total number of lots served by the street shall be reduced from twenty (20) to fifteen (15). The number of lots shall be determined as of the date of final subdivision amendment/revision approval.

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# Furthermore, dead-end streets shall be constructed to provide a turn-around in accordance with the requirements of this section.

# Unless the Planning Board shall authorize a T-turnaround or a cul-de-sac, turnarounds shall be of the back-around design. The Planning board shall authorize a T-turnaround for a culs-de-sac turnaround design only upon clear showing by the applicant that a back-around turnaround cannot be incorporated in the subdivision design because of a condition unique to the parcel being subdivided.

# A back-around shall have a back-around stub right-of-way length of sixty-five (65) feet, minimum, measured from the centerline of the approach road served. Stub right-of-way width shall be sixty (60) feet, minimum. Stub travel surface length shall be forty-five (45) feet, minimum, measured from the centerline of the approach road served. Stub travel surface shall terminate twenty (20) feet prior to stub right-of-way in all cases. Stub travel surface width shall be twenty (20) feet, minimum. The approach street stub right-of-way length shall be sixty-five (65) feet, minimum, and the travel surface length shall be forty-five (45) feet, minimum, measured from the centerline of the stub served. The back-around stub may be located up to three-hundred (300) feet prior to the approach road terminus right-of-way. The back-around stub centerline shall be at right angle to approach road centerline. Back-around stub centerline shall coincide with stub right-of-way centerline. Travel surfaces of back-around stub and approach road shall be provided with a turning shoulder of ten (10) foot radius, minimum, at their intersection.

# A T-turnaround (also called a "hammerhead" turnaround) shall have a minimum T/head right-of-way length of one-hundred-thirty (130) feet and minimum travel surface length of ninety (90) feet, each centered on the centerline of the approach served. T/head right-of-way width shall be sixty (60) feet, minimum, and travel surface width shall be twenty (20) feet minimum. The T/head centerline shall be at right angle to approach road centerline. T/head centerline shall coincide with T/head right-of-way centerline. Travel surfaces of T/head and approach road shall be provided with a turning shoulder of ten (10) foot radius, minimum, at their intersection.

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For the purpose of determining the road frontage available to any lot abutting a T-turnaround or a back-around, the road frontage shall be the side lot line pin-to-side lot line pin dimension measured on the approach road.

# Cul-de-sac turnarounds shall not have a center island. A cul-de-sac shall have a minimum right-of-way radius of ninety (90) feet and an outside turning radius of seventy-five (75) feet. Cul-de-sac turnarounds may be offset either left or right of approach road centerline. Ingress to and egress from subdivision lots may be permitted from a cul-de-sac.

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

I. Grades, Intersection, and Sight Distances.

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

2. All changes in grade shall be connected by vertical curves to provide for minimum sight distances below.

3. Where new street intersections or driveway cur-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:

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

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

4. Cross (four cornered) street intersections shall be avoided in so far as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between centerlines of side streets.

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J. Where installed, curbing shall be granite or bituminous concrete and shall be installed on a thoroughly compacted gravel base of six inches minimum thickness, except bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.

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**11.3 Street Construction Standards.**

A. Minimum thickness of material after compacting:

Street Materials Minimum Requirements

	Residential Streets	Private Right of Way
Indust.		
Commer.		
Aggregate Course (no rocks or stones greater 18" than 4" in diameter in aggregate course surface.)	18"	12"
Hot Bituminous Pavement Total Thickness 3"	2"	None

Residential Subdivision streets are not required to be paved, however, pavement is required for all industrial and commercial Subdivision streets.

Note: These standards may change to comply with periodic updates of the Belgrade Road Ordinance.

B. Preparation

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

# 2. Before grading is started, the travel lanes and shoulders, and ditches, if any, of any street shall be cleared of all stumps, roots, brush, and other objectionable material. Furthermore, all ledge, large boulders, and tree stumps shall be removed from the above designated areas, unless requirement is waived in writing by Code Enforcement Officer or Road Commissioner. Branches overhanging the travel lane and shoulders shall be cleared to a height of twenty (20) feet, minimum. All areas cleared in accordance with this section shall be maintained cleared.

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#### **11.4 Storm Water Management Design Standards.**

A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

1. All components of the storm water management system shall be designed to meet the criteria of a twenty-five year storm based on rainfall data for Portland, Maine.

2. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

3. Catch basins shall be installed where necessary and located at the curb line.

4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.

B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

D. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the town or Subdivision Association if they are responsible, allowing maintenance and improvements of the system.

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E. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

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**11.5 Additional Improvements and Requirements.**

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

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

C. Street Names, Signs and Lighting. Streets which join and are in alignment with street 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 the existing streets within the municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall reimburse the municipality for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Board.

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

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**ARTICLE XII- PERFORMANCE GUARANTEES**

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

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

B. A Performance Bond payable to the Town issued by a surety company, approved by the Municipal Officers;

C. An irrevocable letter of credit (see Appendix B for sample) from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers; or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed. The conditions and amount of the Performance Guarantee shall be determined by the Board with the advice of the town Road Commissioner, Municipal Officers, and/or Town Attorney.

**12.2 Contents or Guarantee.** The Performance Guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of par or all of the Performance Guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

**12.3 Escrow Account.** A cash contribution to the establishment of an escrow account shall be made by either a certified check made out the municipality, the direct deposit in to a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-

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owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

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

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

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

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

**12.8 Default.** If, upon inspection, the Town Code Enforcement Officer 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/she shall so report in writing to the Municipal Officers, the Board and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

**12.9 Private Roads.** Where the Subdivision streets are to remain private roads, the following words shall appear on the recorded plan. "All roads in this Subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

**12.10 Improvements Guaranteed.** Performance Guarantees shall be tendered for all improvements required by Section

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10.6 of these regulations, as well as any other improvements

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**ARTICLE XIII - PHOSPHOROUS CONTROL STANDARDS**

**13.1 Phosphorous Control.** Minimizing phosphorus runoff can general only be accomplished by retention of stormwater on-site and infiltration. Retention requires diversion of excess stormwater to a separate infiltration area with no subsequent discharge of diverted water to surface waters. Wet ponds will also be given favorable consideration if sufficient storage is available to allow for settling fine particles and for biological treatment of phosphorus. This requirement often results in a basin so large, however, that it is undesirable for an applicant. The Town also supports measures to diminish the amount of stormwater generated such as minimizing impervious and disturbed areas, situating development on better-drained soils and designing density of development in accordance with environmental limitations of the site. The Town will generally not accept mechanical and chemical means of treatment unless unusual circumstances warrant it. Consideration may be given to these measures if maintenance will be provided by an established entity, the treatment is not for a sensitive area, and some treatment will occur even if mechanical failure occurs. An applicant must demonstrate beyond any reasonable doubt that consistent treatment will occur.

**13.2 Determination of Required Controls.**

A. Peak Runoff Control. Runoff in excess of predevelopment rates should be determined pursuant to URBAN HYDROLOGY FOR SMALL WATERSHEDS, (U.S. Soil Conservation Service, Second Edition, 1986, Technical Release No. 55, available from the Kennebec County Soil and Water Conservation District, Augusta, Maine; hereinafter "TR-55"). Calculation of peak flow will be based on twenty-five (25) year, twenty-four (24) hour storm (unless it can be shown there will be less impact from a lesser calculation due to location in the watershed or otherwise). Calculations should be provided for both pre- and post-development conditions. The purpose of this calculation is to ascertain downstream erosion potential. Controls will be required so that peak flow after development does not exceed peak flow before development. This requirement may be waived in the case of development within 150 feet of the normal high water mark of the lake, where runoff from the developed area reaches the lake only in overland flow and does not enter natural intermittent or permanent stream channels prior to reaching the lake.

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B. Phosphorous Control. The volume of runoff which shall be treated for phosphorous removal shall be based on a 2.0 inch precipitation event under high antecedent moisture conditions, except in the case of wet ponds, in which case this volume will be doubled. This yields the following amounts of runoff, in inches, for the following land uses and hydrologic soil groups (Appendix A, TR-55):

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Table 13.2 - B

Land Uses	Hydrologic Soil Groups			
	A	B	C	D
Impervious Areas (Road, Driveways Rooftops)	2.0 in.	2.0in.	2.0in.	2.0in
Lawns, Gardens Etc.	0.25in	0.8in	1.2in	1.4in
Forest	0.0	0.55	0.9	1.2

Only runoff from all disturbed areas (e.g., houses, lawns, driveways, roads) need be treated, but the sizing of treatment systems shall be based on runoff calculations for all the area which drains to a treatment system. It is therefore most efficient to divert uphill runoff from undisturbed areas around house and yard areas in stabilized diversion drainage ways, thus minimizing the amount of runoff to be treated.

The primary means of phosphorous control will be either treatment in wet ponds or infiltration.

### 13.3 Treatment System Design Guidelines

A. Infiltration Treatment Systems. Infiltration systems must be designed to operate under adverse conditions because phosphorous export is often highest when soil is saturated or frozen. In order to assure the system will infiltrate water at a reasonable rate, the following guidelines apply:

1. Solid in all areas to be used for infiltration should have adequate infiltration capacity to infiltrate the volume of runoff required in 13.2 B within forty-eight (48) hours and under high water table conditions. No filling is allowed for the purpose of attaining adequate infiltration capacity.

2. At least one test pit shall be located in the center of all proposed infiltration areas and the soil identified by name by a registered soil scientist.

3. The size of the infiltration area shall be based on (a) the volume of runoff to be controlled for phosphorous removal (Section 13.2) and (b) the infiltration rate of the soils available so that all the runoff will be infiltrated in a 48 hour period.

4. The bottom of all infiltration areas shall be at

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least one foot above the seasonal high water table.

5. The application shall provide details on what flow will reach the infiltration areas. Runoff not directed to infiltration areas must be added to the total leaving the site.

6. All infiltration areas shall have adequate overflow provisions.

7. All infiltrations areas shall be protected during construction. Furthermore, the site must be stabilized prior to use of the system to prevent clogging.

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8. A program for periodic testing and necessary maintenance shall be submitted for all infiltration areas. This program should include a method for determining the efficiency of the infiltration area and a method to restore the area if necessary.

B. Wet Ponds. The design volume of a wet pond shall be, at a minimum, twice the volume of runoff indicated in Table 13.2-B, provided that wet ponds are the sole means of phosphorous control. If wet ponds are used in combination with uphill infiltration systems, the design volume of wet ponds shall be twice the volume of runoff indicated in Table 13.2-B less the volume of runoff infiltrated. Wet ponds shall include the following design elements:

1. Plug Flow. Pond should be designed so that inflowing stormwater is not likely to mix with old stormwater in the pond, but "pushes" the old stormwater out the spillway.

2. Mean Depth. The mean depth of these ponds should be no less than five (5) feet.

3. Outflows. Outflow from the pond shall be via a simple overflow spillway whose elevation is at or above the design volume. The pond will also include a small drain outlet at or near its deepest point. The function of this drain is only to drain the pond for scheduled excavation of accumulated materials and it shall remain plugged at all other times.

4. A maintenance program shall be submitted for all wet ponds. This shall include a method for estimating the volume lost in the pond due to accumulation of sediment. The pond must be restored to its design volume when volume has been reduced to less than 90% of the design volume.

5. Fencing or other barriers sufficient to prevent ready access to the pond should be provided.

**13.4 Application Contents.** The following is needed for the Town to complete a stormwater review:

A. A site plan should be drawn at a scale of 1" = 50' for the developed project area with a contour interval of two (2) feet with U.S. Soil Conservation Service Soil Series names showing conditions before development.

B. A detail of the area to be disturbed should be drawn at 1" = 20' showing conditions both before and after

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development. Drawings should indicate the size and location of culverts and ditches. Typical cross sections of drainage ditches should be included.

C. Calculations showing peak discharge rates before and after development for twenty-five (25) year, twenty-four (24) hour storm.

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D. Arrangements proposed for maintaining predevelopment peak flow rate.

E. Calculations showing the amount of runoff to be controlled for phosphorous removal.

F. Drawing and calculations for infiltration areas and wet ponds.

G. Soils information for all proposed infiltration areas- specifically infiltration rate and seasonal ground water table level.

H. Arrangements proposed to protect infiltration areas during construction.

I. Arrangements proposed for periodic testing and any necessary maintenance of stormwater control structures.

**13.5 Buffer Strips.**

A. A buffer strip is defined as a naturally forested area located immediately downslope of disturbed, developed areas and located so that the buffer will intercept runoff from the disturbed area before that runoff is concentrated in road or drainage ditches, drainage swales, intermittent or permanent streams or other channelized flow or a standing body of water. Buffers should remain in their natural state. In the case of development in the forested areas, buffers shall be created or allowed to naturally revert to a forest stand. If the buffer strip is to be created, a landscape plan must be submitted which shows a planting scheme, the intent of which is to create a natural, young and diverse forest stand as quickly as possible. Minimum width of buffer strips shall be determined as follows:

Hydrologic Soil Group in Buffer	Minimum Buffer Width for Slope up to 15%
A	75'
B	100'
C	125'
D	150'

If slopes are 15% or 30%, buffer width should be multiplied by a factor of 1.5.

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If slopes exceed 30%, site is not considered suitable for a buffer strip.

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**ARTICLE XIV - WAIVERS**

**14.1** Where the Board makes written finding of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided the waivers do not have the effect of nullifying the intent and purpose of the Belgrade Comprehensive Plan, the Shoreland Zoning Ordinance, or these regulations.

**14.2** Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirements for such improvements, subject to appropriate conditions.

**14.3** In granting waivers to any of these regulations in accordance with Section 13.1 and 13.2 the Board shall require such conditions as will assure the objectives of these regulations are met.

**ARTICLE XV - APPEALS**

**15.1** An aggrieved party may appeal any decision of the Board under these regulations to Kennebec County Superior Court.

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

**APPENDIX A**

**Title 30 M.R.S.A. 4956. Land Subdivisions**

**1. Defined.** A Subdivision is the division of a tract or parcel of land into three or more lots within any 5 year period, which period begins after September 23, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this Section. In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein shall be considered to create a third lot, unless both such dividings are accomplished by a subdivider who shall have retained one of the lots for his own use as a single family residence for a period of at least five years prior to such second dividing. Lots of forty or more acres shall not be counted as lots. For the purposes of this Section, a tract or parcel of land is defined as 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.

**2. Municipal Review and Regulations.**

A. Reviewing Authority. All requests for Subdivision approval shall be reviewed by the municipal Planning Board, agency or office or if none, the Municipal Officers, hereinafter called the Municipal Review Authority.

B. Regulations The Municipal Reviewing Authority may, after a public hearing, adopt additional reasonable regulations governing subdivisions shall control until amended repealed or replaced by regulations adopted by the municipal legislative body. The Municipal Reviewing Authority shall

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

give at least seven days notice of such hearing.

C. Record. On all matters concerning subdivision review, the Municipal Reviewing Authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

C-1. Upon receiving an application, the Municipal Reviewing Authority shall issue to the applicant a dated receipt. Within thirty days from receipt of an application, the Municipal Reviewing Authority shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Municipal Reviewing Authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

D. Hearing/Order. In the event that the Municipal Reviewing Authority determines to hold a public hearing on an application for subdivision approval, it shall hold such hearing within thirty days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least two times, the date of the first publication to be at least seven days prior to the hearing. The Municipal Reviewing Authority shall, within thirty days of a public hearing or within days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in Sub-section 3 and to satisfy any other regulations adopted by the Reviewing Authority, and to protect and preserve the public's health, safety, and general welfare. In all instances the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the Reviewing Authority shall make finding of fact establishing that the proposed subdivision does or does not meet the foregoing criteria.

**3. Guidelines.** When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the Municipal Officers, shall considering the following criteria and before granting approval shall determine that the proposed subdivision:

A. Will not result in undue water or air pollution. In

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable State and local health and water resources regulations;

B. Has sufficient water available for the reasonable foreseeable needs of the subdivision;

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#Amended by Referendum Jun 6, 1995

C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

F. Will provide for adequate sewage waste disposal;

G. Will not cause unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.

H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

I. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;

J. The subdivider has adequate financial and technical capacity to meet the above stated standards;

K. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

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

M. The subdivider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood prone area. If the subdivision, or any part of it is in such an area the subdivider will determine the 100 year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plan approval requiring that principal

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structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least two feet above the 100 year flood elevation.

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#Amended by Referendum Jun 6, 1995

**3.A Access to Direct Sunlight.** The planning board, agency or office or the Municipal Officers may for purposes of protecting and assuring access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use controls.

**4. Enforcement.** No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the Municipal Reviewing Authority of the municipality where the subdivision is located and recorded in the proper Registry of Deeds, nor shall such person, firm, corporation or other legal entity sell or convey any land in such approve subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" a concrete monument, an iron pin or a drill hole in ledge. No subdivision plot or plan be recorded by any Register of Deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plot or plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials, Following installation of service, the company or district shall forward the written authorization to the Municipal Officials indicating that installation has been completed. Any person, firm, corporation, or other legal entity who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved as required by this Section shall be penalize in accordances with Section 4966. The Attorney General, the municipal officers may institute proceedings to enjoin the violations of this Section. All subdivision plot and plans required by this Section shall contain the name and address of the person under whose responsibility the subdivision plot or plan was prepared.

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

**5. Exemptions.** This Section shall not apply to proposed subdivisions approved by the planning board or municipal officials prior to September 23, 1971, in accordance with laws then in effect nor shall it apply to subdivisions as defined by this Section in actual existence on September 23, 1971 that did not require approval under prior law or to a subdivision as defined by this Section, a plan of which had been legally recorded in the proper Registry of Deeds prior to September 23, 1971. The division of a tract or parcel as defined by this Section into three or more lots and upon all of which lots permanent dwelling structures legally existed prior to September 23, 1971 is not a subdivision.

**6. Revisions to Existing Plat or Plan.** Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. If a subdivision plat or plan is presented for recording to a Registry of Deeds and that plat or plan is a revision or amendment to an existing plat or plan, the registrar shall indicate on the index for the original plat or plan that it has been superseded by another plat or plan and shall reference the book and page or cabinet and sheet on which the new plat or plan is recorded. In addition, the registrar shall ensure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan.

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#Amended by Referendum Jun 6, 1995

**APPENDIX B**

**Sample Letter of Credit**

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

Dear Ms. Planner:

RE: Letter of Credit: Developer, Inc. Sunshine Estates,  
Your Town Maine

This letter will confirm to Your Town that the Big Town Savings Bank has issued a loan commitment to Developer, Inc. for the purpose of constructing all required improvements in the : Sunshine Estate" Subdivision.

Big Town Savings Bank will set aside \$230,000 in a Construction Escrow Account, for completion of the required improvements. This account can be drawn upon by Your Town in the event that Developer, Inc. fails to complete steps A through H listed below for Windy Road on or before (two years from date of Final Plan approval).

Approximate Length of Road	2,350 ft:
A. Grub roadways full width of 50 feet-4\$/ft	\$9,400
B. Shape sub-base and grade it -\$4/ft	9,400
C. Install under drain culverts-\$16/ft.	37,600
D. Install sewer \$22/ft X 2,050 plus pump \$16.500	61,600
E. Install water mains \$14/ft X 2,400	33,600
F. Apply and shape 18" gravel base \$8,300/ftX 2,350'	19,500
G. Apply and shape 3" of crushed gravel apply 1-3/4" of base course bituminouse concrete to width of 24", apply bituminouse curb and 2" of bituminous concrete to a width of 5', \$10/ft X 2,350	23,500
H. Apply 3/4 " of surface bituminous concrete to width of 24' -\$5/ft.	11.800

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

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

This Account shall expire when Your Town acknowledges in writing to Developer, Inc. that the work outline in Steps A through H has been completed in accordance with Your Town's Subdivision Regulations and street acceptance Ordinance, and the approved plans of the Sunshine Estates. Any funds remaining in the account on (date specified above) for work outlined in Steps A through H which has not been completed and approved by the town on that date shall be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer has issued his written approvals for each step above to Developer, Inc. The funds in this Account will be released based upon the schedule above.

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

Very Truly Yours,

Loan Officer

SEEN AND AGREED TO : \_\_\_\_\_  
Developer, Inc.

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

Your Town

By: \_\_\_\_\_  
Selectman

Date \_\_\_\_\_

By: \_\_\_\_\_  
Selectman

Date \_\_\_\_\_

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

**APPENDIX C**

**Sample Storm Drainage Easement**

KNOW ALL MEN BY THESE PRESENTS:

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

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

IN WITNESS WHEREOF, the said \_\_\_\_\_ have here unto set my (our) hands(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, in the year of the Lord one thousand nine hundred and \_\_\_\_\_.

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995

SIGNED, SEALED, AND DELIVERED  
in the presence of

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Amended by Referendum Nov 2, 1993  
#Amended by Referendum Jun 6, 1995

STATE OF MAINE

\_\_\_\_\_s.s.

,19\_\_\_\_\_

Personally appeared, before me, the above mention \_\_\_\_\_  
and acknowledged the foregoing instrument to be  
\_\_\_\_\_free act and deed.

\_\_\_\_\_  
Notary Public/Justice of Peace

\*Amended by Referendum Nov 2, 1993

#Amended by Referendum Jun 6, 1995