

SUBCHAPTER VIII – LAND SUBDIVISIONS

[Derivation: Ordinance 12-05, Effective 4/19/2012]

DIVISION A – GENERAL PROVISIONS

SECTION 9-801 **PURPOSE**

The purposes of this subchapter are to:

1. Provide for the expeditious, equitable, and efficient review of proposed subdivisions;
2. Establish standards for the application of the approval criteria of the State Subdivision Law, found in 30-A M.R.S.A. § 4401 et seq.;
3. Assure that development in the City of Hallowell meets the goals and conforms to the policies of the adopted Comprehensive Plan;
4. Assure the comfort, convenience, safety, health, and welfare of the people of the City of Hallowell;
5. Protect the environment and conserve the natural and cultural resources identified in the adopted Comprehensive Plan as important to the community;
6. Assure that an adequate level of services and facilities is available to the residents of new subdivisions and that lots in subdivisions can support the proposed uses and structures;
7. Minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
8. Promote the development of an economically sound and stable community.

SECTION 9-802 **AUTHORITY; TITLE**

1. This subchapter has been prepared in accordance with the provisions of 30-A M.R.S.A. § 4403.
2. This subchapter shall be known and may be cited as the "Subdivision Regulations of the City of Hallowell, Maine."

SECTION 9-803 ADMINISTRATION; APPLICABILITY

1. The Planning Board of the City of Hallowell, hereinafter called the "Board," shall administer this subchapter.
2. The provisions of this subchapter shall pertain to all land and buildings proposed for subdivision within the boundaries of the City of Hallowell.

DIVISION B – PREAPPLICATION PROCEDURES

SECTION 9-804 PREAPPLICATION CONFERENCE

Prior to submitting a formal application for subdivision review, the applicant or his/her representative must attend a preapplication conference with the Code Enforcement Officer (CEO). A preapplication conference is mandatory and an application will not be accepted for processing until a preapplication conference has been held. The preapplication conference shall be informal and informational in nature. There is no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made by the CEO at the preapplication conference.

SECTION 9-805 PURPOSES OF PREAPPLICATION CONFERENCE

The purposes of the preapplication conference are to:

1. Allow the staff to understand the nature of the proposed subdivision and the issues involved in the proposal,
2. Allow the applicant to understand the subdivision review process and required submissions,
3. Identify issues that need to be addressed in future submissions,
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities,
5. Allow the Code Enforcement Officer to provisionally classify the project as a minor subdivision or major subdivision, and
6. Allow the Code Enforcement Officer to establish the contour interval to be used in submitting topographic information about the site.

SECTION 9-806 SITE INSPECTION AND WAIVERS

The Code Enforcement Officer may schedule a site inspection in conjunction with the

preapplication conference if deemed necessary and discuss any potential requests for waivers from the submission requirements.

SECTION 9-807 PREPARATION FOR THE PREAPPLICATION CONFERENCE

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the CEO:

1. The proposed site, including its location, size, and general characteristics,
2. The nature of the proposed subdivision,
3. Any issues or questions about existing municipal regulations and their applicability to the project, and
4. Any requests for waivers from the submission requirements and the basis for the request.

The applicant's presentation and written materials about the nature and scope of the project must allow the CEO to be able to provisionally classify the project as a minor subdivision or major subdivision in accordance with 9-808.

SECTION 9-808 CLASSIFICATION OF A SUBDIVISION

The Code Enforcement Officer shall be responsible for provisionally classifying a project as a minor subdivision or a major subdivision. This process will occur in conjunction with the preapplication conference. Within ten (10) business days of the preapplication conference and site inspection, the CEO shall tentatively classify the subdivision as a minor subdivision or a major subdivision. When the CEO provisionally classifies a project as a minor or major subdivision, he/she shall notify both the applicant and the Chair of the Planning Board in writing of the classification and the basis for determination. At the first meeting of the Planning Board at which the application is discussed, the Planning Board shall review the CEO's determination as to the classification of the subdivision and may either confirm or revise the classification based upon the information contained in the formal submission and advise the applicant of this determination. If the Planning Board revises the classification of a project, the processing of the application shall proceed under the revised classification at that meeting and any subsequent meetings of the board. If the Planning Board reclassifies a project as a major subdivision, processing of the application shall be suspended until the applicant has provided all of the information required for a major subdivision as set forth in Division D.

Projects and activities subject to subdivision review are classified as minor subdivisions or major subdivisions based upon the criteria of this section. Projects that are classified as minor subdivisions are subject to a simplified application and review process while major projects are required to provide more information about the activity and its impacts and are subject to a more extensive review process.

1. Any activity that meets the threshold requirements for Subdivision Review that will result in the creation of four (4) or fewer lots or dwelling units shall be classified as a Minor Subdivision and shall be subject to the procedures and standards for minor subdivisions except as provided for in 3. below.
2. Any activity that meets the threshold requirements for Subdivision Review that will result in the creation of five (5) or more lots or dwelling units shall be classified as a Major Subdivision and shall be subject to the procedures and standards for major subdivisions:
3. If a minor subdivision has been approved in the preceding five (5) years, any amendment to the approved subdivision or any re-subdivision of land that was part of the approved subdivision shall be classified as a major subdivision if the total number of lots created in any five (5) year will be five (5) or more.
4. An amendment to a previously approved and recorded subdivision shall be classified as a Minor Subdivision unless the revised subdivision will result in the creation of five (5) or more lots or is classified as a major subdivision based on 3. above.

SECTION 9-809 CONTOUR INTERVAL

Within ten (10) business days of the tentative classification of the project by the Code Enforcement Officer, the CEO shall inform the applicant in writing of the required contour interval on the preliminary plan, or final plan in the case of a minor subdivision. The applicant may appeal the CEO's determination to the Planning Board by filing a written request with the CEO. This request will be considered by the Planning Board at the next meeting at which the application is considered.

SECTION 9-810 (Reserved)

DIVISION C – MINOR SUBDIVISIONS

SECTION 9-811 GENERAL PROVISIONS

The Planning Board may require that a minor subdivision comply with some or all of the submission requirements for a major subdivision. The additional information may be required when the Board finds it necessary to decide if the criteria for approval from 30-A M.R.S.A. § 4404 or the standards from Division I. of these regulations have been met.

SECTION 9-812 MINOR SUBDIVISION PROCEDURES

1. Submission to Code Enforcement Officer. The applicant for approval of a minor subdivision shall prepare and submit a subdivision application, including the subdivision plan and supporting documentation to the CEO. The application must meet the submission requirements for minor subdivisions set forth in Section 9-813.

The CEO shall provide the applicant with a dated, written receipt for the application submission.

2. Provisional Review by the Code Enforcement Officer. The CEO shall review the application for completeness within ten (10) business days of receipt. The CEO shall provisionally determine that the application is complete only if all of the required information set forth in 9-813 has been submitted or the applicant has requested waivers for any required information not provided and provided information documenting the basis for the waiver request(s). Upon the completion of the application review, the CEO shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the CEO shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting in accordance with the established scheduling procedures for consideration by the Board. The CEO shall notify abutting property owners of the pending application in accordance with Section 9-184. The CEO shall also hand deliver or mail written notice of the pending application to the City Manager, Fire Chief, Police Chief, the Chair of the Conservation Commission, Superintendent of the Hallowell Water District, Superintendent of the Greater Augusta Utility District, and other interested parties.

If the CEO finds that the application is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the CEO shall conduct another completeness review. This process shall be repeated, if necessary, until the CEO finds that the application is provisionally complete.

3. Initial Consideration by the Planning Board. At the first meeting at which the application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. The Board shall also consider and act on any requests for waivers of the submission requirements. If the application is determined to be incomplete or requested waivers are not granted, the Board shall notify the applicant and CEO in writing of this finding within five (5) business days of the meeting, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the CEO. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the application shall begin when the board finds that the application is complete.
4. On-Site Inspection. The Planning Board may hold an on-site inspection of the site to review the existing conditions, field-verify the information submitted, and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may postpone the on-site inspection when the site is snow covered and the Board determines that snow cover makes a reasonable assessment of site conditions impossible. If an application is pending during a period when a site walk is delayed due to snow cover, the processing of the application may be suspended until the Board is able to

conduct an on-site inspection. Written notice of the on-site inspection shall be provided in accordance with Section 9-184.

5. Planning Board Action. Within forty-five (45) days of determining that the application is complete, the Planning Board shall decide whether to hold a public hearing on the application. The Board shall take final action on said application within sixty (60) days of finding it complete if a public hearing is not held. If a public hearing is held, the Planning Board shall take final action on the application within thirty (30) days of the public hearing. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

If any portion of subdivision is within a Special Flood Hazard Area, the Board shall impose a condition of approval that structures on any lot having a portion of its land within a Special Flood Hazard Area must be constructed in accordance with the floodplain management provisions of Section 9-536.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the activities set forth in the application do or do not meet the standards of approval and other requirements of the City including any conditions of approval necessary to comply with the standards. The Board shall notify the applicant of the action of the Board in writing within five (5) business days of the meeting, including the findings of fact, and any conditions of approval.

6. Optional Public Hearing. The Planning Board is not required to hold a public hearing on an application for approval of a minor subdivision. The Board may, by formal vote, decide to hold a public hearing on an application if there is significant public interest in the project or if there are unresolved issues with respect to conformance with the approval standards. If a public hearing is held, the hearing shall be noticed and advertised in accordance with the provisions of Section 9-184.
7. Final Approval and Filing. Upon completion of the requirements of this Section and a vote of approval or approval with one or more conditions by the majority of the Planning Board, the application is approved. Subsequent to the approval by the Board, the applicant shall submit two reproducible, stable-based transparencies of the subdivision plan to the CEO, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office. The plan shall contain any conditions of approval imposed by the Planning Board. The reproducible transparencies shall be embossed and printed with the seal of the individual responsible for preparation of the plan. The approved subdivision plan shall be signed by a majority of the members of the Board and filed with the CEO. In addition, a signed subdivision plan and decisions document setting forth the findings of fact including any conditions of approval shall be recorded by the applicant in the Kennebec County Registry of Deeds within sixty (60) days of the vote to approve the plan and evidence of such filing provided to the CEO. Any plan for which a plan and decision document is not filed within sixty (60) days of the date upon which such plan is approved and signed

by the Board shall become null and void. Prior to the expiration of the sixty (60) day period, the Planning Board, by vote, may extend the filing period for good cause.

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

8. **Initiation of Construction.** Failure to initiate construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void unless the applicant has requested in writing and received an extension and has provided for the continuation of any performance guarantees for the period of the extension prior to the expiration of the five-year period. Upon determining that a subdivision's approval has expired under this subsection, the Board shall have a notice placed in the Registry of Deeds to that effect.
9. **Municipal Acceptance of Land or Facilities.** 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 City Council covering future deed and title dedication and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

SECTION 9-813 MINOR SUBDIVISION SUBMISSIONS

1. The final plan application for approval of a minor subdivision shall consist of the following items:
 - A. A fully executed and signed copy of the application for minor subdivision review (provided by the City).
 - B. A location map drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 - (1) Existing subdivisions in the proximity of the proposed subdivision.
 - (2) Locations and names of existing and proposed streets.

- (3) Boundaries and designations of zoning districts.
 - (4) An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted covers only a portion of the owner's entire contiguous holding.
- C. The required application and development review fees.
 - D. A list of abutters and the owners of any other parcel entitled to receive public notice in accordance with 9-184, together with their mailing addresses.
 - E. The subdivision plan and supporting documentation consisting of 14 copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch and 14 copies of supporting documentation bound in a single report. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. In addition, one copy of the plan(s) reduced to a size of 11 by 17 inches shall be provided.
2. The subdivision plan and supporting documentation shall include at least the following information:
- A. Proposed name of the subdivision or identifying title, the name of the municipality, and the Assessor's map and lot numbers.
 - B. The names and addresses of the record owner, applicant, and individual or company who or which prepared the plan and adjoining property owners.
 - C. The date the plan was prepared, north point, and graphic map scale.
 - D. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
 - E. Evidence of right, title, or interest in the property.
 - F. A copy of the most recently recorded deed for the parcel and a copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
 - G. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
 - H. A standard boundary survey of the parcel meeting the standards of Chapter 90 Standards of Practice of the rules of the Maine Board of Licensure for Professional Land Surveyors, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The

plan shall indicate the type of monument found or to be set at each lot corner.

- I. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.
- J. The location of all rivers, streams and brooks, coastal and freshwater wetlands, and vernal pools within or adjacent to the proposed subdivision.
- K. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
- L. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife. If any portion of the subdivision is located within an area designated as a critical natural area by the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
- M. Contour lines at the interval specified by the Code Enforcement Officer showing elevations in relation to mean sea level.
- N. The location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the property to be subdivided.
- O. The location, names, and present widths of existing streets and highways and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. In order to facilitate the addition of the subdivision into the municipal property records, this information shall also be submitted on a computer disc in a format compatible with the Assessor's records.
- P. An indication of the type of sewage disposal to be used in the subdivision.
 - (1) When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Greater Augusta Utility District, stating that the District has the capacity to collect and treat the wastewater, shall be provided.
 - (2) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator, shall be provided. Test pit logs for all test pits

shall be provided. The location of all test pits dug on the site shall be shown on the subdivision plan or on a map at the same scale as the subdivision plan.

- Q. An indication of the type of water supply system(s) to be used in the subdivision.
 - (1) When water is to be supplied by public water supply, a written statement from the Hallowell Water District shall be submitted indicating that there is sufficient supply and pressure for the subdivision and that the District approves the plans for extensions where necessary. Where the District's supply line is to be extended, a written statement from the Fire Chief stating approval of the location of fire hydrants, if any, and a written statement from the District approving the design of the extension shall be submitted.
 - (2) When water is to be supplied by private wells, evidence of adequate groundwater supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
 - R. The width and location of any streets, public improvements or open space shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
 - S. The location of any open space to be preserved and a description of proposed improvements and its management.
 - T. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained, shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the City Council is satisfied with the legal sufficiency of the written offer to convey title shall be included.
 - U. The location and method of disposal for land clearing and construction debris.
3. The Board may require additional information, including but not limited to the following, to be submitted where it finds it necessary in order to determine whether the criteria of 30-A M.R.S.A. § 4404 are met:
- A. A hydrogeologic assessment prepared by a certified geologist or registered professional engineer experienced in hydrogeology.
 - (1) The Board may require a hydrogeologic assessment when the subdivision is not served by public sewer and:

- (a) Any part of the subdivision is located over a mapped sand and gravel aquifer;
 - (b) The subdivision has an average density of more than one dwelling unit per 100,000 square feet; or
 - (c) In other cases where site considerations or development design indicates greater potential of adverse impacts on groundwater quality, such as extensive areas of shallow to bedrock soils, cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet, or the use of shared or common subsurface wastewater disposal systems.
 - B. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
 - C. A stormwater management plan prepared by a registered professional engineer in accordance with "Stormwater Management for Maine: BMP Technical Design Manual," published by the Maine Department of Environmental Protection (2006).
 - D. An erosion and sedimentation control plan prepared in accordance with "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices," published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991.
 - E. Street plans meeting the requirements of the City if the subdivision will involve the construction or extension of a street. The Planning Board may determine the extent of the plans needed based on the scale and type of improvement.
4. The Planning Board may waive any of the submission requirements including the additional submission requirements based upon a written request of the applicant. Such request must be made at the time of the review of the initial review of the application for minor developments. A waiver of any submission requirement may be granted only if the Board finds that the information is not required to determine compliance with the approval standards and criteria.

DIVISION D – MAJOR SUBDIVISIONS

SECTION 9-814 MAJOR SUBDIVISION APPROVAL PROCESS

1. Three Step Review Process. The review process for a major subdivision is a three step process. Step one is the submission and review of a Site Inventory and Analysis. Upon the completion of the review of the Site Inventory and Analysis, the Planning Board will authorize the applicant to proceed to step two, the submission of a formal preliminary application and supporting documentation. The City will not accept or process an application for preliminary plan review of a major subdivision until a review of the Site Inventory and Analysis has been completed. Following the approval of the preliminary plan, the Planning Board will authorize the applicant to submit the final plan, step 3 in the process.

2. Step One – Site Inventory and Analysis
 - A. Submission of the Site Inventory and Analysis to the Code Enforcement Officer. The applicant shall prepare and submit a Site Inventory and Analysis and supporting documentation to the CEO. The materials must meet the submission requirements set forth in Section 9-815. The CEO shall provide the applicant with a dated, written receipt for the submission.

 - B. Provisional Review of the Site Inventory and Analysis by the Code Enforcement Officer. The CEO shall review the submission for completeness within ten (10) business days of receipt. The CEO shall provisionally determine that the submission is complete only if all of the required information set forth in 9-815 has been submitted or the applicant has requested waivers for any required information not provided and provided information documenting the basis for the waiver request(s). Upon the completion of the review, the CEO shall notify the applicant in writing as to whether or not the submission is deemed to be provisionally complete. If the submission is provisionally complete, the CEO shall forward the Site Inventory and Analysis to the Planning Board and shall schedule it for the next available Planning Board meeting in accordance with the established scheduling procedures for consideration by the Board. The CEO shall notify property owners of the pending project in accordance with Section 9-184. The CEO shall also hand deliver or mail written notice of the site inventory and analysis submission to the City Manager, Fire Chief, Police Chief, the Chair of the Conservation Commission, Superintendent of the Hallowell Water District, Superintendent of the Greater Augusta Utility District, and other interested parties.

If the CEO finds that the submission is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the Site Inventory and Analysis to be provisionally complete

and to be considered by the Planning Board. Upon the receipt of additional information, the CEO shall conduct another completeness review. This process shall be repeated, if necessary, until the CEO finds that the submission is provisionally complete.

- C. Consideration of the Site Inventory and Analysis by the Planning Board. At the first meeting at which the site inventory and analysis is considered, the Planning Board shall review the material and formally determine whether or not the submission is complete. The Board shall also consider and act on any requests for waivers of the submission requirements. If the submission is determined to be incomplete or requested waivers are not granted, the Board shall notify the applicant and CEO in writing of this finding within five (5) business days of the meeting, shall specify the additional materials required to make the Site Inventory and Analysis submission complete and shall advise the applicant that the project will not be considered by the Board until the additional information is submitted to the CEO. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the site inventory and analysis shall begin when the board finds that the submission is complete.
- D. Review of the Site Inventory and Analysis. The Planning Board review of the Site Inventory and Analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Planning Board. The Board shall review the submission to determine if the information provides a clear understanding of the lot's characteristics and its potential for subdivision and development. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal subdivision application. The Board shall also act on any requests for waivers from the application submission requirements. As part of the review of the Site Inventory and Analysis, the Planning Board may hold an on-site inspection of the site to review the existing conditions, field-verify the information submitted and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may postpone the on-site inspection when the site is snow covered and the Board determines that snow cover makes a reasonable assessment of site conditions impossible. If an application is pending during a period when a site walk is delayed due to snow cover, the processing of the application may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided in accordance with Section 9-184. Within forty-five (45) days of the finding that the site inventory and analysis submission is complete, the Board shall complete its review of the submission, notify the applicant in writing of the outcome of its review, and, if appropriate, authorize the submission of the formal application.

3. Step Two – Submission of the Preliminary Plan

- A. Submission of Preliminary Plan Application to the Code Enforcement Officer. Upon completion of the review of the Site Inventory and Analysis, the applicant shall prepare and submit a preliminary plan application for a major subdivision to the CEO. The application must include the subdivision plan and supporting documentation that meets the submission requirements for a preliminary plan for major subdivision as set forth in Section 9-816. The CEO shall provide the applicant with a dated, written receipt for the application submission.
- B. Provisional Review of Application by the Code Enforcement Officer. The CEO shall review the application for completeness within ten (10) business days of receipt. The CEO shall provisionally determine that the application is complete only if all of the required information for preliminary plans for a major subdivision set forth in 9-816 has been submitted or the Planning Board has approved waivers for any required information not provided as part of the Site Inventory and Analysis review. Upon the completion of the application review, the CEO shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the CEO shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting in accordance with the established scheduling procedures for consideration by the Board. The CEO shall notify abutting property owners of the pending application in accordance with Section 9-184. The CEO shall also hand deliver or mail written notice of the pending application to the City Manager, Fire Chief, Police Chief, the Chair of the Conservation Commission, Superintendent of the Hallowell Water District, Superintendent of the Greater Augusta Utility District, and other interested parties.

If the CEO finds that the application is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the CEO shall conduct another completeness review. This process shall be repeated, if necessary, until the CEO finds that the application is provisionally complete.

- C. Initial Consideration of the Application by the Planning Board. At the first meeting at which the preliminary plan application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant and CEO in writing of this finding within five (5) business days of the meeting, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the CEO. These steps shall be repeated until the application is found to be complete by the Planning Board.

- D. On-Site Inspection. The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may postpone the on-site inspection when the site is snow covered and the Board determines that snow cover makes a reasonable assessment of site conditions impossible. If an application is pending during a period when a site walk is delayed due to snow cover, the processing of the application may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided in accordance with Section 9-184.
- E. Public Hearing. The Planning Board shall hold a public hearing on an application for a major subdivision within forty-five (45) days of determining that the application is complete unless the requirement is waived. The Board may, by formal vote, decide not to hold a public hearing on an application if there is not significant public interest in the project or if there are no unresolved issues with respect to conformance with the approval standards. When a public hearing is held, the hearing shall be noticed and advertised in accordance with the provisions of Section 9-184.
- F. Planning Board Action. The Planning Board shall take action on the preliminary plan application within sixty (60) days of determining that the application is complete if a public hearing is not held on the application or within thirty (30) days of the public hearing if one is held. The Board shall indicate any changes to the preliminary plan that will need to be incorporated into the final plan to meet the approval criteria or questions that will need to be addressed in the final plan submission. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

The Board shall notify the applicant and all parties who requested to be notified of the action of the Board with respect to the preliminary plan in writing within five (5) business days of the meeting.

4. Step Three – Submission of the Final Plan

- A. Submission of Final Plan Application to the Code Enforcement Officer. Upon completion of the review of the preliminary plan, the applicant shall prepare and submit a final plan application for a major subdivision to the CEO. The application must include the subdivision plan and supporting documentation that meets the submission requirements for a final plan for major subdivision as set forth in Section 9-817. The CEO shall provide the applicant with a dated, written receipt for the application submission.

- B. Provisional Review of Application by the Code Enforcement Officer. The CEO shall review the application for completeness within ten (10) business days of receipt. The CEO shall provisionally determine that the application is complete only if all of the required information for final plans for a major subdivision set forth in 9-817 has been submitted or the Planning Board has approved waivers for any required information not provided. Upon the completion of the application review, the CEO shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the CEO shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting in accordance with the established scheduling procedures for consideration by the Board. The CEO shall notify abutting property owners of the pending application in accordance with Section 9-184. The CEO shall also hand deliver or mail written notice of the pending application to the City Manager, Fire Chief, Police Chief, the Chair of the Conservation Commission, Superintendent of the Hallowell Water District, Superintendent of the Greater Augusta Utility District, and other interested parties.

If the CEO finds that the application is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the CEO shall conduct another completeness review. This process shall be repeated, if necessary, until the CEO finds that the application is provisionally complete.

- C. Initial Consideration of the Application by the Planning Board. At the first meeting at which the final plan application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant and CEO in writing of this finding within five (5) business days of the meeting, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the CEO. These steps shall be repeated until the application is found to be complete by the Planning Board.
- D. Planning Board Action. The Planning Board shall take action on the final plan application within sixty (60) days of determining that the application is complete. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board. In issuing its decision, the Planning Board shall make written findings of fact establishing that the activities set forth in the application do or do not meet the standards of approval and other requirements of the City including any conditions of approval necessary to comply with the standards. The Board shall notify the applicant and all parties who requested to be notified of the action of the Board in writing within five (5) business days of the meeting, including the

findings of fact, and any conditions of approval.

If any portion of subdivision is within a Special Flood Hazard Area, the Board shall impose a condition of approval that structures on any lot having a portion of its land within a Special Flood Hazard Area must be constructed in accordance with the floodplain management provisions of Section 9-536.

- E. Final Approval and Filing. Upon completion of the requirements of this Section and a vote of approval or approval with one or more conditions by the majority of the Planning Board, the application is approved. Subsequent to the approval by the Board, the applicant shall submit two reproducible, stable-based transparencies of the subdivision plan to the CEO, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office. The plan shall contain any conditions of approval imposed by the Planning Board. The reproducible transparencies shall be embossed and printed with the seal of the individual responsible for preparation of the plan. The approved subdivision plan shall be signed by a majority of the members of the Board and filed with the CEO. In addition, a signed subdivision plan and decisions document setting forth the findings of fact including any conditions of approval shall be recorded by the applicant in the Kennebec County Registry of Deeds within sixty (60) days of the vote to approve the plan and evidence of such filing provided to the CEO. Any plan for which a plan and decision document is not filed within sixty (60) days of the date upon which such plan is approved and signed by the Board shall become null and void. Prior to the expiration of the sixty (60) day period, the Planning Board, by vote, may extend the filing period for good cause.

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

- F. Initiation of Construction. Failure to initiate significant construction of the subdivision such as the construction of roads or the installation of utilities within five years of the date of approval and signing of the plan shall render the plan null and void unless the applicant has requested in writing and received an extension and has provided for the continuation of any performance guarantees for the period of the extension prior to the expiration of the five-year period. Upon determining that a subdivision's approval has expired under this subsection, the Board shall have a notice placed in the Registry of Deeds to that effect.

- G. **Municipal Acceptance of Land or Facilities.** 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 City Council covering future deed and title dedication and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

SECTION 9-815 **SITE INVENTORY AND ANALYSIS SUBMISSION REQUIREMENTS**

1. **Purpose of the Site Inventory and Analysis.** The site inventory and analysis is intended to provide both the applicant and the Planning Board and staff with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. It is anticipated that this analysis will result in a development plan that reflects the conditions of the lot and that the areas most suitable for the proposed use will be utilized while those that are not suitable or present significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that the applicant submit basic information about the lot and an analysis of that information.
2. **Contents of the Site Inventory and Analysis Submission.** The site inventory and analysis submission must contain, at a minimum, the following information:
 - A. The names, addresses, and phone numbers of the record owner and the applicant.
 - B. The names and addresses of all consultants working on the project.
 - C. Evidence of right, title, or interest in the property.
 - D. Evidence of payment of the site inventory and analysis fee.
 - E. Fourteen (14) copies of an accurate scale inventory plan of the lot or the portion of the lot proposed for subdivision at a scale of not more than one hundred (100) feet to the inch showing as a minimum:
 - (1) The name of the development, north arrow, date and scale.
 - (2) The boundaries of the lot.
 - (3) The relationship of the lot to the surrounding area.

- (4) The topography of the lot at an appropriate contour interval depending on the nature of the use and character of the lot (in many instances, submittal of the U.S.G.S. 10' contours will be adequate);
 - (5) The major natural features of the lot and within five hundred (500) feet of the lot, including coastal and freshwater wetlands, vernal pools, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats and fisheries or other important natural features (if none, so state). This information may be based on available, published sources unless the Planning Board determines that field determination is needed to allow review of the opportunities and constraints of the lot.
 - (6) Existing buildings, structures, or other improvements on the lot (if none, so state).
 - (7) Existing restrictions or easements on the lot (if none, so state).
 - (8) The location and size of existing utilities or improvements servicing the lot (if none, so state).
 - (9) A Class D medium intensity soil survey.
- F. Fourteen (14) copies of a site analysis plan at the same scale as the inventory plan (see E above) highlighting the opportunities and constraints of the site. This plan should enable the Planning Board to determine: which portions of the lot are unsuitable for development or use; which portions of the lot are unsuitable for on-site sewage disposal if public sewerage is not available; which areas of the lot have development limitations (steep slopes, flat, soil constraints, wetlands, aquifers, wildlife habitat, fisheries, scenic vistas, floodplains, drainage, etc.) which must be addressed in the development plan; which areas may be subject to off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.); and which areas are well suited to the proposed use.
- G. Fourteen (14) copies of a narrative describing the existing conditions of the lot, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.
- H. Any requests for waivers from the submission requirements for the preliminary plan review application.

SECTION 9-816 PRELIMINARY PLAN SUBMISSION REQUIREMENTS

The preliminary plan application shall consist of the following items:

1. A fully executed and signed copy of the application for preliminary major subdivision review (provided by the City).
2. A location map drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 - A. Existing subdivisions in the proximity of the proposed subdivision.
 - B. Locations and names of existing and proposed streets.
 - C. Boundaries and designations of zoning districts.
 - D. 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.
3. The required application and development review fees.
4. A list of abutters and the owners of any other parcel entitled to receive public notice in accordance with 9-184, together with their mailing addresses.
5. The preliminary subdivision plan and supporting documentation consisting of 14 copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch and 14 copies of supporting documentation bound in a single report. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. In addition, one copy of the plan(s) reduced to a size of 11 by 17 inches shall be provided.
6. The preliminary plan and supporting documentation shall include at least the following information. The Board may require additional information to be submitted where it finds necessary in order to determine whether the criteria of 30-A M.R.S.A. § 4404 are met.
 - A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.
 - B. The names and addresses of the record owner, applicant, and individual or company who or which prepared the plan and adjoining property owners.
 - C. The date the plan was prepared, north point, and graphic map scale.
 - D. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

- E. Evidence of right, title or interest in the property.
- F. A copy of the most recently recorded deed for the parcel and a copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- G. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- H. A standard boundary survey of the parcel meeting the standards of Chapter 90 Standards of Practice of the rules of the Maine Board of Licensure for Professional Land Surveyors, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
- I. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.
- J. A Class D medium-intensity soil survey unless the Planning board determines that a Class B high-intensity survey is needed as a result of the Site Inventory and Analysis.
- K. The location of all rivers, streams and brooks, coastal and freshwater wetlands and vernal pools within or adjacent to the proposed subdivision.
- L. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
- M. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife. If any portion of the subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
- N. Contour lines at the interval specified by the CEO, showing elevations in relation to mean sea level.
- O. The location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the property to be subdivided.
- P. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

- Q. The location and width of all proposed streets, including a typical cross section of the streets and sidewalks and a preliminary center-line profile.
- R. The proposed lot lines with approximate dimensions and lot areas.
- S. An indication of the type of sewage disposal to be used in the subdivision.
 - (1) When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Greater Augusta Utility District stating that the District has the capacity to collect and treat the wastewater shall be provided.
 - (2) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator or certified soil scientist, shall be provided. Test pit logs for all test pits shall be provided. The location of all test pits dug on the site shall be shown on the subdivision plan or on a map at the same scale as the subdivision plan.
- T. An indication of the type of water supply system(s) to be used in the subdivision.
 - (1) When water is to be supplied by public water supply, a written statement from the Hallowell Water District shall be submitted indicating that there is sufficient capacity for the subdivision and that the District approves the plans for extensions where necessary. Where the District's supply line is to be extended, a written statement from the Fire Chief stating approval of the location of fire hydrants, if any, and a written statement from the District approving the design of the extension shall be submitted.
 - (2) When water is to be supplied by private wells, evidence of adequate groundwater supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
- U. Provisions for the collection and management of stormwater in the form of a preliminary drainage plan.
- V. The width and location of any streets, public improvements or open space shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
- W. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
- X. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

7. The Board may require additional information, including but not limited to the following, to be submitted where it finds it necessary in order to determine whether the preliminary plan is likely to result in a final plan that meets the criteria of 30-A M.R.S.A. § 4404:
 - A. A Class B high-intensity soil survey prepared by a certified soil scientist if the Site Inventory and Analysis identified the need for more detailed soils information. This soils survey may be for only a portion of the site.
 - B. A hydrogeologic assessment prepared by a certified geologist or registered professional engineer experienced in hydrogeology.
 - (1) The Board may require a hydrogeologic assessment when the subdivision is not served by public sewer and:
 - (a) Any part of the subdivision is located over a mapped sand and gravel aquifer;
 - (b) The subdivision has an average density of more than one dwelling unit per 100,000 square feet; or
 - (c) In other cases where site considerations or development design indicates greater potential of adverse impacts on groundwater quality, such as extensive areas of shallow to bedrock soils, cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet, or the use of shared or common subsurface wastewater disposal systems.
 - C. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
 - D. A traffic impact analysis. The Board may require an analysis for projects involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day based upon the ITE Trip Generation Manual. The traffic impact analysis shall be prepared by a registered professional engineer with experience in traffic engineering. The analysis shall indicate the expected average daily vehicular trips, peak hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

SECTION 9-817 **FINAL PLAN SUBMISSION REQUIREMENTS**

1. Within twelve (12) months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan. If the application for the final plan is not submitted within twelve (12) months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board. If an applicant cannot submit the final plan within twelve (12) months, the applicant may request an extension. Such a request for an extension to the filing deadline shall be submitted, in writing, to the CEO prior to the expiration of the filing period. In considering the request for an extension, the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

2. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable and submitted with the application:
 - A. Maine Department of Environmental Protection, under the Site Location of Development Act.
 - B. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a stormwater management permit or a wastewater discharge license is needed.
 - C. Maine Department of Human Services, if the applicant proposes to provide a public or community water system.
 - D. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.
 - E. United States Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

3. The final plan application shall consist of the following items:
 - A. A fully executed and signed copy of the application for final major subdivision review (provided by the City).
 - B. The required application and development review fees.
 - C. A performance guarantee in accordance with the provisions of Article XII assuring the construction of all street, utilities, and other improvements proposed as part of the final subdivision plan.

- D. The final subdivision plan and supporting documentation consisting of 14 copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch and 14 copies of supporting documentation bound in a single report. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. In addition, one copy of the plan(s) reduced to a size of 11 by 17 inches shall be provided.
4. The final subdivision plan and supporting documentation shall include at least the following information:
- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.
 - B. The names and addresses of the record owner, applicant, and individual or company who or which prepared the plan.
 - C. The date the plan was prepared, North point, and graphic map scale.
 - D. The location of any zoning boundaries affecting the subdivision.
 - E. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
 - F. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
 - G. The boundaries of any flood hazard areas and the one-hundred-year flood elevation as depicted on the municipality's Flood Insurance Rate Map shall be delineated on the plan.
 - H. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewerage system, a written statement from the Greater Augusta Utility District shall be submitted indicating that the District has reviewed and approved the sewerage design.
 - I. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by the Hallowell Water District, a written statement from the District shall be submitted indicating that the District has reviewed and approved the water system design together with a written statement from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.

- J. The location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the property to be subdivided.
- K. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a registered land surveyor. The original reproducible plan shall be embossed and printed with the seal of the registered land surveyor and be signed by that individual.
- L. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the City Council is satisfied with the legal sufficiency of the written offer to convey title shall be included.
- M. Street plans meeting the requirements of the City.
- N. A stormwater management plan prepared by a registered professional engineer in accordance with "Stormwater Management for Maine: BMP Technical Design Manual," published by the Maine Department of Environmental Protection (2006). The Board may not waive submission of the stormwater management plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- O. An erosion and sedimentation control plan prepared in accordance with "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices," published by the Maine Department of Environmental Protection. The Board may not waive submission of the erosion and sedimentation control plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- P. The width and location of any streets or public improvements or open space shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.

- Q. If the subdivision requires a stormwater permit from the Maine Department of Environmental Protection, a copy of the DEP application with all supporting materials and the permit shall be provided.
- R. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots and evidence that the applicant has financial commitments or resources to cover these costs.
- S. The location and method of disposal for land clearing and construction debris.

DIVISION E – REVISIONS TO APPROVED PLANS

SECTION 9-818 PROCEDURE

An application for a revision to a previously approved plan shall be submitted to the CEO. The CEO shall review the application and determine the procedure to be used in revising the plan. Minor changes that do not alter lot lines or the essential nature of the proposal or affect the approval criteria may be approved by the CEO by written endorsement of the changes on the approved plan. If the revision requires the approval of the Planning Board, the CEO shall place the application on the agenda of the Board in accordance with the procedures for a Minor Subdivision unless the change qualifies as a major subdivision.

SECTION 9-819 SUBMISSIONS

The applicant shall submit a copy of the approved plan as well as 14 copies of the proposed revisions. The application shall also include the appropriate supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

SECTION 9-820 SCOPE OF REVIEW

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

DIVISION F – INSPECTIONS AND ENFORCEMENT

SECTION 9-821 INSPECTION OF REQUIRED IMPROVEMENTS

1. After the recording of the approved plan in the Kennebec County Registry of Deeds and at least five days prior to commencing construction of required improvements, the subdivider or builder shall:
 - A. Notify the CEO and Public Works Department in writing of the time when (s)he proposes to commence construction of such improvements, so that the City can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Board. The City may provide for the inspection of the improvements by the Department of Public Works or by an engineer hired by the City or by a combination of in-house and outside inspections depending on the nature and complexity of the improvements.
 - B. Deposit with the City an inspection fee in the amount of 3% of the estimated costs of the required improvements. These fees may be used by the City to defray the cost of inspections by the Department of Public Works and/or by an engineer hired by the City. Upon satisfactory completion of construction and cleanup, The City shall provide the subdivider with a statement itemizing the inspection costs. If there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate.
2. The Department of Public Works or the engineer hired by the City shall inspect any road construction and other improvements at appropriate points in the construction including:
 - A. Upon completion of the excavation of the roadway and the preparation of the subgrade including any ditching.
 - B. During the installation of the road subbase including drainage improvements and structures.
 - C. During the paving of the road.
 - D. Upon the completion of the improvements.
 - E. Following loaming and seeding and cleanup.
3. If the road or other improvements are constructed in phases, each phase shall be inspected separately.

4. If the inspector finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the inspector shall so report in writing to the CEO, Planning Board, and the subdivider and builder. The CEO shall take any steps necessary to assure compliance with the approved plans.
5. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspector is authorized to approve minor modifications due to unforeseen circumstances, such as encountering hidden outcrops of bedrock, natural springs, etc. The inspector shall issue any approval under this section in writing and shall transmit a copy of the approval to the CEO. Revised plans shall be filed with the City and endorsed by the CEO. For major modifications, the subdivider shall obtain permission from the Planning Board to modify the plans in accordance with Division D. Major modifications include, but are not limited to, changes such as the relocation of rights-of-way, revisions to property boundaries, or changes of grade by more than 1%.
6. Prior to the sale of the first lot, the subdivider shall provide the CEO with a letter from a registered land surveyor stating that all monumentation of the perimeter of the subdivision and of all proposed street rights-of-way as shown on the approved plan has been installed.
7. Upon completion of street construction and prior to a vote by the City Council to accept a street, a written certification signed by the City Manager shall be submitted to the City Council certifying that the proposed public 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. The subdivider shall submit record drawings to the CEO prior to the City acceptance of any street.
8. The subdivider shall be required to maintain all improvements, provide for snow removal on streets and sidewalks, and pay for any street lighting until acceptance of the improvements by the municipality or control is placed with a lot owners' association. The subdivider shall file a performance guarantee with the City Manager upon completion of the public improvements in an amount and form acceptable to the City Council assuring that this obligation shall be met. The performance guarantee shall remain in force as long as the subdivider retains this maintenance responsibility.

SECTION 9-822

VIOLATIONS AND PENALTIES

1. 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 Planning Board in accordance with these regulations.
2. A person shall not convey or offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

3. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
4. 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.
5. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which requires a plan approved as provided in these regulations and recorded in the Registry of Deeds.
6. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of 30-A M.R.S.A. § 4452 and as otherwise provided by law.

DIVISION G – GUARANTEE OF REQUIRED IMPROVEMENTS

SECTION 9-823 PERFORMANCE GUARANTEE

As a precedent to final approval of any subdivision, the applicant shall provide a performance Guarantee to ensure the timely and proper construction of all improvements that are part of the approved plan for a minor subdivision or a major subdivision. The approved and signed subdivision plan shall not be released to the applicant until an appropriate performance guarantee has been approved by the City Manager or the City Manager has certified in writing that there are no improvements for which a guarantee is required.

1. Certified Check or Surety Bond. With the final plan, the subdivider shall submit either a certified check payable to the City of Hallowell or a faithful performance bond running to the City of Hallowell and issued by a surety company acceptable to the City Manager in an amount of money to be determined by the City Manager with the advice of the Mayor and the City Council. The check or bond shall be equal to the total costs of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities specified in the approved plan, conditioned on the completion of all such grading, paving, storm drainage, water main, fire hydrant, sewer and street installations within two (2) years from the date of such check or bond. In establishing the amount of the guarantee, the City Manager may include the costs for professional review of the guarantee and an inflation factor if the improvements will not be completed prior to the sale of the first lot.
2. Use of the Guarantee. The performance guarantee is intended to ensure that the improvements that are part of the approved plan are constructed in accordance with that plan. If the improvements are not completed satisfactorily or within the required

time frame, the City may use the guarantee to complete or to redo the improvements to meet the requirements of the approved plan. The City Manager, with the approval of the Mayor and City Council, is authorized to take such action if warranted.

3. Release of Check or Bond. The City Manager with the approval of the Mayor and City Council shall release the performance guarantee upon satisfactory completion of the improvements called for in the approved plan. The Manager may release a portion of the funds or authorize a reduction in the amount of the bond based on the satisfactory completion of a portion of the work covered by the guarantee provided that there remains adequate funds to complete the remaining improvements. Before voting to release such check or bond, the Mayor and the City Council shall determine to their satisfaction in part by a written certification signed by the City Manager and by the Planning Board Chair that there have been submitted to them by the subdivider or his agent, written statements by:
 - A. The City Manager and/or a registered civil engineer retained by the City for this purpose stating that all improvements including the streets and storm drainage have been constructed and completed in conformance with the approved plan.
 - B. The water district, stating that the water mains and hydrants have been installed and are in place in conformance with the approved plan.
 - C. The sewer district, stating that the sewage system has been constructed and is in place in conformance with the approved plan.
 - D. A registered land surveyor or civil engineer, paid for by the subdivider, stating that all permanent bounds or monuments on street lines, the perimeter of the subdivision, and on lot lines have been installed and are accurately in place in the locations designated on the approved plan.

4. Conditional Agreement. The subdivider may substitute a properly executed conditional agreement with the City of Hallowell for the performance check or bond. Such agreement shall be endorsed in writing on the approved plan, and shall provide that the Board may approve the final plan or any part thereof on condition that no lot in such subdivision may be sold and that no permit shall be issued by the Code Enforcement Officer for any building on any lot on any street in such subdivision until:
 - A. It shall have been certified to the City Manager and the Board in the manner set forth in subsection 3. above, that all of the street and utility improvements required have been installed and completed at the expense of the subdivider in accordance with all applicable provisions of the Final Plan;
 - B. A certificate of compliance covering the lots and streets, or portions of streets involved, has been signed by the City Manager and the Board chair, and a copy of such certificate has been recorded with the Kennebec Registry of Deeds.

DIVISION H – APPROVAL CRITERIA

SECTION 9-824 STATUTORY REVIEW CRITERIA

State law establishes the criteria that the Planning Board must use in reviewing and approving subdivisions. When reviewing any application for either a minor or major subdivision, the Planning Board must find that the criteria as found in Title 30-A M.R.S.A. §4404 have been met. The state law sets out the following criteria as of 2011 but the Planning Board shall use the current state requirements as they may be amended from time to time even if the revised criteria have not been incorporated into the Town ordinance. In addition to these state criteria, the Planning Board must find that the subdivision will conform to the applicable provisions of the Zoning Ordinance. Division I sets out performance standards and Division J establishes design standards to guide the Planning Board in determining if an application meets the state review criteria. An application that conforms to the performance and design criteria is presumed to meet the statutory review criteria.

Before granting approval of a subdivision, the Planning Board must find that the proposed project:

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

the proposed subdivision requires driveways or entrances onto a state or state aid highway, located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

6. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
7. Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized;
8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
9. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans;
10. The subdivider has adequate financial and technical capacity to meet the standards of this section;
11. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.
 - A. When lots in a subdivision have frontage on an outstanding river segment (the Kennebec River), the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
 - (1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
 - (2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;

12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
13. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
14. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;
15. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;
16. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;
17. The proposed subdivision will provide for adequate storm water management;
18. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
19. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;
20. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and
21. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning

Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

DIVISION I – PERFORMANCE STANDARDS

SECTION 9-825 APPLICABILITY OF PERFORMANCE STANDARDS

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

SECTION 9-826 POLLUTION

1. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
2. Discharges of stormwater shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies.

SECTION 9-827 SUFFICIENT WATER

1. Water supply.
 - A. When practical, any major or minor subdivision shall make provisions for connection to the public water system if the Hallowell Water District indicates that it can provide water service with sufficient supply and pressure for the proposed use without the need for system-wide improvements. Unless the Planning Board determines that such connection is not financially viable in accordance with B, connection to the public water system is presumed to be practical if the subdivision meets any one of the following:

- (1) Is located within an area designated in the 2010 Comprehensive Plan as a growth area; or
- (2) Is located on a parcel that is adjacent to a public water main; or
- (3) Is located on a parcel the closest point of which is within three hundred (300) feet plus one hundred (100) feet per lot of an existing public water main as measured along the center line of public streets to the nearest point of the parcel.

B. The Planning Board may waive the requirement for connection to the public water system if it finds that such connection will not be financially viable. In reaching this determination, the Board must find that one of the following two criteria will be met:

- (1) The cost of extending a public water main to the nearest point of the area of the parcel proposed to be subdivided is one hundred percent (100%) or more of the projected cost of serving the subdivision with private wells including provisions for fire protection water supplies, or
- (2) The total projected cost for providing public water including any main extension, ledge removal, or need for a booster pump is more than two hundred percent (200%) of the projected total cost for serving the subdivision with private wells including provisions for fire protection water supplies.

If an applicant for approval of a subdivision in which connection to the public water system is presumed to be practical under A wants to seek a waiver from that requirement to utilize private water supplies, the applicant must submit a technical and financial analysis of installing public water service to and within the subdivision and the cost of providing private water service including provisions for fire protection water supplies. The analysis must be prepared by a professional engineer registered in the State of Maine. The applicant must provide a copy of the analysis to the Hallowell Water District at least ten (10) days prior to its submission to the City and request the District to review the analysis and provide comments to the applicant and the Planning Board.

- C. When a subdivision will be served by the public water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Hallowell Water District and the Fire Chief. The system shall be designed by a professional engineer registered in the State of Maine.
- D. When a proposed subdivision will not be served by the public water system, water supply shall be from individual wells or a private community water system.

- (1) Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
 - (2) Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
 - (3) If a central water supply system is provided by the applicant, the location and protection of the source and the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A CMR 231).
 - (4) In areas where the Planning Board determines, based upon the written recommendation of the Fire Chief or his designee, that a reliable water supply for fire-fighting purposes is not available within 0.25 mile of the site, each residential unit shall be protected by a residential sprinkler system meeting NFPA standards. As an alternative to sprinklers, the Planning Board may require the subdivider to provide adequate fire protection water supply. Subdivisions shall provide adequate fire protection water supply in accordance with NFPA 1231. Acceptable methods include, but are not limited to, fire ponds with an approved dry hydrant and underground storage reservoirs with an approved dry hydrant. An easement shall be granted to the Town for access to and maintenance of dry hydrants or reservoirs where necessary.
2. Water quality. Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

SECTION 9-828 IMPACT ON EXISTING WATER SUPPLIES

In meeting the standards of 9-827, a proposed subdivision shall not generate a demand on the source, treatment facilities, or distribution system of the Hallowell Water District beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of improvements to the District's system as necessary to alleviate any deficiencies or expand the capacity of the system needed to service the subdivision.

SECTION 9-829 SOIL EROSION

1. The proposed subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.
2. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and cleanup stages.
3. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations unless the removal has received site plan approval.

SECTION 9-830 TRAFFIC CONDITIONS

1. At a minimum, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
 - A. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
 - B. Avoid traffic congestion on any street; and
 - C. Provide safe and convenient circulation on adjacent public streets and within the subdivision.
2. More specifically, access and circulation shall also conform to the following standards:
 - A. The vehicular access to the subdivision shall be arranged to avoid generating significant additional through traffic on existing local, residential streets.
 - B. Any major subdivision with more than fifteen (15) lots shall either be located on an arterial or collector street or have at least two (2) points of access to an arterial or collector road unless the Planning Board determines that due to the unique characteristics or location of the site that two accesses are not required to provide for safe and convenient access to the subdivision.
 - C. Accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour shall meet the minimum access permitting requirements of the Maine Department of Transportation "Rules and Regulations Pertaining to Traffic Movement Permits".
 - D. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce

the Level of Service (LOS) of streets or intersections neighboring the subdivision to a LOS of "E" or below, unless:

- (1) the comprehensive plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection; or
- (2) the level of service of the road or intersection will be raised to D or above through transportation demand management techniques; or
- (3) the applicant provides evidence that it is not possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, but improvements will be made or transportation demand management techniques will be used such that the proposed development will not increase delay at a signalized or unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the horizon year; or
- (4) improvements cannot reasonably be made because the road or intersection is located in a central business district or because implementation of the improvements will adversely affect a historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical; or
- (5) the development is located in a designated growth area, in which case the applicant shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise provided in this subsection if needed to address safety issues; or
- (6) in the case of unsignalized intersections, if traffic with the development in place would not meet the warrant criteria for signalization or turning lanes, as set forth in the Federal Highway Administration's "Manual on Uniform Traffic Control Devices," (1988), then the Planning Board may reduce the mitigation requirement for those measures so long as the resulting traffic conditions provide for safe traffic movement.

- E. Where site conditions allow, provision shall be made for the extension of streets to connect with nearby streets and to provide access to adjoining lots of similar existing or potential use. Such interconnected streets shall be designed to discourage use by through traffic.

3. Streets shall be named in accordance with City requirements. The developer shall either install street name, traffic safety, and control signs meeting City specifications or reimburse the City for the costs of their installation.
4. Following street construction, the developer or contractor shall conduct a thorough cleanup 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 and identified on the record drawings.

SECTION 9-831 SEWAGE DISPOSAL

1. Public System.
 - A. When practical, any major or minor subdivision shall make provisions for connection to the public sewer system if the Greater Augusta Utility District indicates that it can provide sewer service. Any subdivision that will create more than twenty (20) lots either by itself or cumulatively in conjunction with other subdivisions of the same lot of record existing as of April 1, 2012 must be served by the public sewer system. For subdivisions with twenty (20) or fewer lots, connection to the public sewer system is presumed to be practical if the subdivision meets any one of the following criteria unless the Planning Board determines that such connection is not financially viable in accordance with B,
 - (1) Is located within an area designated in the 2010 Comprehensive Plan as a growth area; or
 - (2) Is located on a parcel that is adjacent to a public sewer; or
 - (3) Is located on a parcel the closest point of which is within three hundred (300) feet plus one hundred (100) feet per lot of an existing public sewer as measured along a reasonable connection route to the nearest point of the parcel.
 - B. The Planning Board may waive the requirement for connection to the public sewer system for subdivisions of twenty (20) lots or fewer if it finds that such connection will not be financially viable. In reaching this determination, the Board must find that one of the following two criteria will be met:
 - (1) The cost of extending a public sewer main to the nearest point of the area of the parcel proposed to be subdivided is one hundred fifty percent (150%) or more of the projected cost of serving the subdivision with private on-site subsurface sewage disposal systems, or

- (2) The total projected cost for providing public sewerage including any main extension, ledge removal, or need for a pump station is more than two hundred percent (200%) of the projected total cost for serving the subdivision with private on-site subsurface sewage disposal systems.

If an applicant for approval of a subdivision in which connection to the public sewer system is presumed to be practical under A wants to seek a waiver from that requirement to utilize private subsurface sewage disposal, the applicant must submit a technical and financial analysis of extending public sewer service to the subdivision and the cost of providing private sewage disposal supplies. The analysis must be prepared by a professional engineer registered in the State of Maine. The costs for the private systems must be based on test pits done by a licensed soils evaluator and the installation of systems in full conformance with the State Plumbing Code without any variances. The applicant must provide a copy of the analysis to the Augusta Utility District at least ten (10) days prior to its submission to the City and request the District to review the analysis and provide comments to the applicant and the Planning Board.

- C. When a subdivision will be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
- D. The Greater Augusta Utility District shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
- E. All components of the sanitary sewerage system must be designed by a professional engineer registered in the State of Maine. The Utility District shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the District. All components of the system shall be tested for full compliance with the design specifications and construction practices established by the District.
- F. The construction of sewer lines shall include the construction of laterals to the property line of each lot created.
- G. Upstream sewage flows shall be accommodated by an adequately sized system through the proposed subdivision for existing conditions and potential development in the upstream area or areas tributary to the proposed development.

2. Private systems.
 - A. When connection to the public sewage disposal system is not practical in accordance with 1.A., sewage disposal shall be provided by private subsurface wastewater disposal systems or a private treatment facility with surface discharge.
 - B. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - (1) The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough for a disposal area on soils which meet the Disposal Rules.
 - (2) In no instance shall a disposal area be on a site which requires a new system variance from the Subsurface Wastewater Disposal Rules.

SECTION 9-832 SOLID WASTE

The proposed subdivision must provide for adequate disposal of solid wastes. All solid wastes must be disposed of at a licensed disposal facility having adequate capacity to accept the subdivision's wastes.

SECTION 9-833 IMPACT ON AESTHETICS, OPEN SPACES, HISTORIC AREAS, WILDLIFE HABITAT AND SHORELINE ACCESS

1. Retention of open spaces and natural, historic, or archaeological features.
 - A. If any portion of the subdivision is located within an area designated by the Comprehensive Plan as open space, that portion shall be reserved for open space preservation.
 - B. If any portion of the subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
 - C. If any portion of the subdivision is designated a site of historic, prehistoric, or archaeological importance by the Comprehensive Plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic, prehistoric, or archaeological resources shall be included in the plan.
2. Protection of significant wildlife habitat.
 - A. If any portion of a proposed major subdivision lies within the following areas,

the applicant shall demonstrate that there shall be no significant adverse impacts on the habitat and species it supports or that appropriate actions will be taken to mitigate the impacts either on-site or on another site:

- (1) Two hundred fifty (250) feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife as:
 - (a) Habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - (b) High and moderate value waterfowl habitats, including nesting and feeding areas; or
 - (c) A high or moderate value deer wintering area or travel corridor; or
 - (2) Other important habitat areas identified in the Comprehensive Plan.
- B. A report prepared by a wildlife biologist with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.
3. Shoreline access. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way or should be included in the open space with provisions made for continued public access.

SECTION 9-834 CONFORMANCE WITH OTHER REGULATIONS

All lots shall meet the minimum dimensional requirements of this chapter for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria including the Shoreland Zoning provisions, Floodplain Management provisions, and all other applicable land use regulations. If there is a conflict between the requirements of this chapter and any other ordinance or between the requirements of other ordinances, the more stringent requirement shall apply.

SECTION 9-835 FINANCIAL AND TECHNICAL CAPACITY

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

and the effects of inflation.

2. Technical ability.
 - A. The applicant shall retain qualified contractors and consultants to supervise, construct, and inspect the required improvements in the proposed subdivision.
 - B. In determining the applicant's technical ability, the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals involving the applicant, consultants, contractors, or other agents of the applicant.

SECTION 9-836 IMPACT ON WATER QUALITY OR SHORELINE

The application shall demonstrate that the cutting or removal of vegetation along water bodies will not increase water temperature or result in shoreline erosion or sedimentation of water bodies.

SECTION 9-837 IMPACT ON GROUNDWATER QUALITY OR QUANTITY

1. Groundwater quality.
 - A. No subdivision shall increase any contaminant concentration in the groundwater to more than eighty percent (80%) of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.
 - B. If groundwater contains contaminants in excess of the primary standards and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - C. If groundwater 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.
 - D. If a hydrogeologic assessment is required to be submitted, the assessment shall contain at least the following information:
 - (1) A map showing the basic soil 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 groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - (5) An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries, or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - (6) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
- E. Projections of groundwater quality in a hydrogeologic assessment shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - F. If a hydrogeologic assessment identifies the locations of subsurface wastewater disposal systems and drinking water wells as necessary to meet the drinking water standards, the systems and wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce groundwater contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan and as restrictions in the deeds to the affected lots. These restrictions shall be altered only with the approval of the Planning Board based upon an updated assessment of groundwater quality.
- 2. Groundwater quantity.
 - A. Groundwater withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
 - B. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

SECTION 9-838 FLOODPLAIN MANAGEMENT

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

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

2. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
3. The plan shall include a statement that structures in the subdivision shall be constructed in accordance with the applicable floodplain management provisions of Subchapter V, Division B – Floodplain Management District (FM). Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly state that the municipality will enforce the construction requirements, and that fact shall also be included in the deed or any other document previously described.

SECTION 9-839 IDENTIFICATION OF FRESHWATER WETLANDS, RIVERS, STREAMS, AND BROOKS

Freshwater wetlands, including forested wetlands, shall be identified and mapped in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and the regional supplement, published by the United States Army Corps of Engineers. Any rivers, streams, or brooks within or abutting the proposed subdivision shall be shown on the plan.

SECTION 9-840 STORMWATER MANAGEMENT

1. Adequate provision shall be made for the management of the quantity and quality of all stormwater generated within the subdivision and any drained groundwater through a management system using practices equivalent to those described in "Stormwater Management for Maine: BMP Technical Design Manual," published by the Maine Department of Environmental Protection, (2006). The stormwater system shall utilize Low Impact Development BMPs as set out in Chapter 10 of the Manual or as approved by the Planning Board to the extent practical considering the location and soil conditions. The stormwater management system shall be designed to meet the following standards:
 - A. Quantity. Peak discharge rates shall be limited to the predevelopment levels for the two-year, ten-year, and twenty-five-year frequency, twenty-four-hour duration storm unless stormwater from the subdivision will drain directly into the Kennebec River.
 - B. Quality.
 - (1) Major subdivisions. Stormwater runoff in major subdivisions must conform to the State of Maine Chapter 500 Stormwater Standards and obtain a stormwater permit from the DEP if required.
 - (2) Minor subdivisions. Stormwater runoff in minor subdivisions must conform to the State of Maine Stormwater Quality Standards and obtain a permit from the DEP if the project is subject to the state standards. If a stormwater permit is not required, the stormwater shall

be treated by the use of Low Impact Development BMPs or other best management practices equivalent to those described in Chapter 10 of the DEP Manual.

2. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Whenever elements of the storm drainage system are not within the right-of-way of a public street and the facilities will not be offered to the City for acceptance as public facilities, perpetual easements not less than 30 feet in width shall be provided to the municipality allowing maintenance and improvement of the system. If there are elements of the stormwater system serving more than one lot that require future maintenance to remain effective that are located outside of the right-of-way of a proposed public street, the Planning Board may require that the applicant offer to give these to the City with a condition of approval that the City be permitted to assess the lot owners on a pro rata basis for the costs of the future maintenance of these stormwater facilities. A note relative to this condition of approval shall appear on the approved plan and an indication of the condition of approval shall be placed in the deed of each lot subject to the condition. When an offer of dedication is required by the Planning Board, the applicant shall be responsible for the maintenance of these stormwater facilities until they are accepted by the City.

SECTION 9-841 RECREATION AND OPEN SPACE AREAS

The applicant shall be responsible for demonstrating that there are adequate recreational areas and open space to meet the needs of the residents of the subdivision. The Planning Board may approve a subdivision without any provision for recreational areas or open space if it determines, based upon the recommendation of the City Manager, that there are adequate recreation facilities and open space in the neighborhood to serve the proposed subdivision and other development that can be reasonably expected to occur in the neighborhood. If the Board determines that there are inadequate recreational facilities and open space to serve the proposed development, the provisions for recreational or open space use shall depend on the proposed lot sizes within the subdivision. If the average lot size is less than 20,000 square feet, the equivalent of an area equal to at least 10% of the total area of the subdivision shall be provided for recreation and open space. If the average lot size is 20,000 square feet or more, the equivalent of an area equal to at least 5% of the site shall be provided.

1. This requirement can be met through the following methods:
 - A. The applicant may propose to dedicate land to the City that is shown in the Comprehensive Plan or Open Space Plan as being desired for recreational or open use in accordance with Subsection 2; or
 - B. The applicant may propose to make a payment in lieu of dedication of land in accordance with Subsection 3.

2. If the applicant proposes to dedicate land:
 - A. The land proposed for dedication must be approved as being suitable for municipal recreation and/or open space use by the City Manager.
 - B. The land should provide for the expansion or connection of existing municipal recreation land or land restricted for conservation purposes or provide for interconnected networks of green space or wildlife habitat where feasible and should be consistent with the site inventory and analysis if one was conducted for the project.
 - C. The size of the area proposed to be dedicated shall be equal to or greater than the required area set forth above.
 - D. The final application submission shall contain the following:
 - (1) Evidence of the applicant's right, title, or interest in the land proposed to be dedicated.
 - (2) An offer of dedication.
 - E. Prior to the consideration of the dedication by the City Council, the applicant shall prepare, at his/her cost, the necessary deeds and other paperwork in form satisfactory to the City Manager.
3. If the applicant proposes to make a payment in lieu of dedication, the payment shall be calculated based on the percentage of land that would be required to be provided and the projected market value of that land in its predevelopment, unimproved state at the time of the subdivision as determined by the Municipal Tax Assessor. The payment in lieu of dedication shall be deposited into a municipal open space or outdoor recreation facility acquisition or improvement fund and may be used only for the purpose of acquiring, improving or developing open space or recreation facilities that will benefit the area of the community in which the proposed subdivision is located.

SECTION 9-842 PHOSPHORUS IMPACTS ON GREAT PONDS

There are no Great Ponds in Hallowell therefore this criterion does not apply.

SECTION 9-843 SPAGHETTI LOTS

Any lot that has shore frontage on a river, stream, brook, or great pond as defined by 38 M.R.S.A. § 480-B shall not have a ratio of lot depth to shore frontage greater than five to one.

SECTION 9-844 COMPLIANCE WITH TIMBER HARVESTING RULES

The Board shall ascertain that any timber harvested on the parcel being subdivided, has been harvested in compliance with rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

DIVISION J –DESIGN GUIDELINES

SECTION 9-845 APPLICABILITY OF DESIGN GUIDELINES

This division provides design guidelines which, if followed, will result in meeting the appropriate performance standards of Division I. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered for approval, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances, the burden of proof shall be upon the applicant to present adequate information to demonstrate that all performance standards and statutory criteria for approval have been or will be met.

SECTION 9-846 OPEN SPACE PRESERVATION

1. Open Space Development. All major subdivisions in rural areas are encouraged to be designed as open space developments in accordance with the provisions of Section 9-608 except as provided below. Minor subdivisions may be designed either utilizing the open space development approach, or by the traditional subdivision method with little or no common open space. Notwithstanding the provisions of 9-608, major subdivisions located in the Growth Area identified in the Comprehensive Plan may be developed as a conventional subdivision if the Planning Board finds that a conventional subdivision would be more appropriate and compatible with the established neighborhood given its location and the existing pattern of development in the immediate vicinity of the proposed subdivision. The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for

the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of the zoning ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the provisions of 9-608. This shall not be construed as granting variances to relieve hardship, and action of the Zoning Board of Appeals shall not be required.

2. Basic Standards for Open Space Developments.
 - A. Open Space Developments shall meet all requirements of Section 9-608 and these additional regulations.
 - B. Each building shall be an element of an overall plan for site development. Developments shall identify the general locations of buildings on the lots. The application shall illustrate the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of these regulations.
 - C. No building in the open space development shall be sited on slopes steeper than 25%, within fifty (50) feet of any water body or wetland, or on soil classified as being very poorly drained.
 - D. The Planning Board shall allow lots within open space developments to be reduced in lot area, street frontage and lot width below the minimum normally required by this ordinance in return for provision of common open space, as long as the maximum number of dwelling units is not exceeded, according to the calculations below.
 - E. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage as determined in 6 shall be divided by seventy percent (70%) of the minimum lot size in the district in which it is located.
 - F. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:
 - (1) 15% of the area of the lot to account for roads and parking.
 - (2) Portions of the lot shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
 - (3) Portions of the lot which have significant development limitations in

their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:

- (a) Continuous areas of more than one acre with slopes greater than 25%.
 - (b) Wetlands and significant vernal pools.
 - (c) Portions of the lot subject to rights of way or easements that prevent their use as part of the development.
 - (d) Portions of the lot located in the Resource Protection District.
 - (e) Portions of the lot covered by surface waters.
- G. Unless the units will be connected to the public sewage collection and treatment system, no lot shall be smaller in area than 20,000 square feet.
- H. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.
- I. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
- J. Shore frontage for each lot or area of occupation, in the case of a condominium, shall not be reduced below the minimum normally required by the zoning ordinance.
- K. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
- L. The common open space shall be owned and managed according to the standards of Section 9-608.
- M. The subdivider shall be responsible for the maintenance of the common open space and the other common facilities, until development sufficient to support the neighborhood association has taken place. or, alternatively, the objectives of clustering have been met. Such determination shall be made The transfer of responsibility shall occur only after review and approval by the Planning Board, upon request by the neighborhood association or the developer or subdivider.
3. Layout of Open Space Developments
- A. The layout of the open space development shall reflect the Site Inventory and Analysis.

- B. Those areas of the site identified as being unsuitable for development or having the highest natural resource value shall be given priority for inclusion in the common open space.
- C. The buildings should be clustered on the areas of the site with the fewest development limitations or conflicts.
- D. The location and design of the open space should focus on creating green networks that create connectivity with adjacent preserved open space, along natural features such as streams and ridgelines, or with significant wildlife habitat or travel corridors.

SECTION 9-847 SUFFICIENT WATER

- 1. Well location. Wells shall be able to be located on each lot in conformance with the required separation distances of the State of Maine including the State Plumbing Code.
- 2. Fire protection.
 - A. If fire hydrants connected to a public water supply system are provided, they shall be located in accordance with the standards of the Hallowell Water District and the Fire Department, and each location shall be approved in writing by the Fire Chief or his designee.
 - B. If fire hydrants are not provided and the Planning Board determines that a fire protection water supply is needed, each residential unit shall be protected by a residential sprinkler system meeting NFPA standards. As an alternative to sprinklers, the Planning Board may require the subdivider to provide adequate fire protection water supply. Subdivisions shall provide adequate fire protection water supply in accordance with NFPA 1231. Acceptable methods include, but are not limited to, fire ponds with an approved dry hydrant and underground storage reservoirs with an approved dry hydrant. An easement shall be granted to the Town for access to and maintenance of dry hydrants or reservoirs where necessary. If a water supply is provided, a minimum storage capacity of 10,000 gallons plus additional storage of 2,000 gallons per lot or principal building or such other amount as required by the Fire Chief shall be provided. Where fire ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest projected water level less an equivalent of three feet of ice. A detailed plan of the required pond, dry hydrant, piping, and/or access road shall be submitted as part of the application. The CEO and Fire Chief shall approve the design of all storage facilities.
 - C. Hydrants or other provisions for fire protection water supply shall meet the specifications of the Fire Department and NFPA 1231. The design of hydrants shall be approved by the Fire Chief or his designee. The minimum

pipe size connecting dry hydrants to ponds or underground storage shall be six inches.

- D. Where a dry hydrant or other water source is not within the right-of-way of a proposed or existing public street, an easement shall be provided to the City for access to, maintenance, and use of the dry hydrant or reservoir. A suitable accessway to the hydrant or other water source shall be constructed by the applicant. It shall be built to standards approved by the CEO and the Fire Chief. Individual property owners and/or homeowner associations shall be responsible for the maintenance of the fire protection system.

SECTION 9-848 TRAFFIC CONDITIONS

- 1. Access control.
 - A. Where a subdivision abuts or contains an arterial or major street or a collector street as identified in Section 6-233, no new residential lot shall have vehicular access directly onto the street unless the Planning Board waives this requirement. This requirement shall be noted on the plan and in the deed of any lot adjacent to a principal arterial.
 - B. Where a lot has frontage on two or more streets, the access to the lot shall be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction for the affected lot.
- 2. Subdivision access design. Streets, private roads, or common drives that provide access to a subdivision shall conform to the following standards. If the street design and construction standards of Division B of Chapter 6 of the Code of ordinances conflict with the standards in this subsection, the standards of this section shall apply.
 - A. General. Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the most recent edition of the Trip Generation Manual, published by the Institute of Transportation Engineers.
 - (1) Low-volume residential access: any access to a residential subdivision with 50 or fewer vehicle trips per day.
 - (2) High-volume residential access: any access to a residential subdivision with more than 50 vehicle trips per day.
 - (3) Commercial access: any street or drive providing access to a nonresidential use or subdivision or to a project with a mix of residential and nonresidential uses.

- B. Sight distances. Streets and other accesses shall be located and designed in profile and grading to provide adequate sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.25 feet above the pavement. The required sight distances are listed by road width and for various posted speed limits.
- (1) Two-lane roads. A minimum sight distance of 10 feet for each mile per hour of posted speed limit shall be maintained or provided.
 - (2) Four-lane roads. The sight distances provided below shall be maintained or provided. These standards are based on passenger cars exiting from accesses onto four-lane roads and are designed to enable exiting vehicles:
 - (a) Upon turning left or right, to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than 10 miles per hour; and
 - (b) Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left.

Operating Speed (miles per hour)	Safe Sight Distance	
	Left (feet)	Right (feet)
20	130	130
30	220	260
40	380	440
50	620	700

- C. Vertical alignment. Accesses shall be designed to prevent surface water from draining across the intersection. Accesses shall slope upward or downward from the gutter line at a maximum slope of 3% for at least 75 feet. Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage.
- D. Access layout and design. The layout and design of the intersection of a proposed street or other access with an existing or proposed public street shall be appropriate for the anticipated use and traffic volume. Any access with a peak hour traffic volume of more than 100 passenger car equivalent trips shall be designed based on a site-specific traffic analysis prepared by a traffic engineer paid for by the applicant. Any access with 100 or fewer peak hour trips shall conform to the following standards:

- (1) Width. The width of the access shall be the minimum necessary to serve the proposed use and anticipated traffic volume. The width of the street or other access at the intersection or curb cut shall not exceed the following:
 - (a) Low-volume residential: 24 feet.
 - (b) High-volume residential: 24 feet.
 - (c) Commercial (two-way): 30 feet.
 - (d) Commercial (with median/divider): 20 feet each side.
- (2) Curb radii. Curb radii shall reflect the anticipated volume of use (as determined by the ITE Trip Generation Manual), the type of vehicles that will use the access, and the environment in which the access is located. Curb radii for residential accesses should be a maximum of 15 feet in growth areas and 20 feet in rural areas. Curb radii for commercial accesses should be a maximum of 30 feet in growth areas and a maximum of 40 feet in rural areas.
- (3) Planning Board modification. The Planning Board may allow greater access widths or larger curb radii if necessary for safety or to accommodate turning lanes or truck traffic.
- (4) Skew angle. The skew angle shall be as close to 90° as possible, but in no case shall the angle be less than 60°.

E. Access location and spacing.

- (1) Minimum corner clearance. Corner clearance shall be measured from the point of tangency of the corner to the point of tangency of the access. In general the maximum practical corner clearance should be provided based on site constraints. Minimum corner clearances are listed in the following table, based upon access volume and intersection type.

Minimum Standards for Corner Clearance

Access Type	Minimum Corner Clearance (Dc)	
	Intersection Signalized (feet)	Intersection Unsignalized (feet)
Low-volume residential	150	50
High-volume residential	150	50
Commercial	500	250

- (2) Access spacing. Accesses and street intersections on the same side of the street shall be separated from adjacent accesses, streets, and property lines as indicated in the following table in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line.

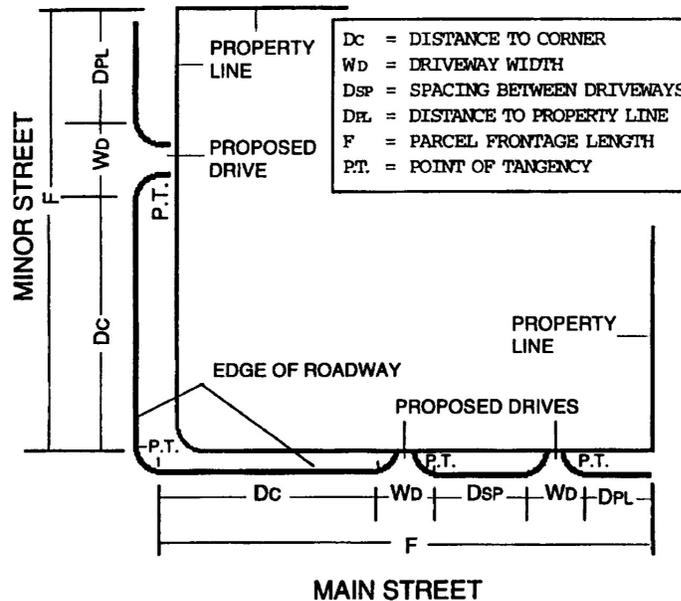
Access Type	Minimum Access Spacing				
	Minimum Spacing to Property Line (Dpl) ¹ (feet)	Low Resident (feet)	High Resident (feet)	Comm w/o RT (feet)	Comm w/ RT (feet)
Low-volume residential	5	50	50	75	100
High-volume residential	10	50	75	100	150
Commercial (w/o RT) ⁴	10	75	100	150	250
Commercial (w/RT) ⁵	10	100	150	250	400

NOTES:

- ¹ Dpl measured from point of tangency of access to projection of property line on roadway edge.
- ² For two more accesses serving a single parcel, or from a proposed access from an existing access.
- ³ Dsp measured from point of tangency of access to point of tangency of adjacent access.
- ⁴ Access without right turn channelization.
- ⁵ Access with right turn channelization.

- F. Number of accesses. The layout of vehicular access to the subdivision shall accommodate an interconnected street network with multiple points of connection to the existing street system while minimizing the number of access points on to any street.

Access Location and Spacing



G. Construction materials/paving.

- (1) All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.
- (2) All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses, regardless of access volume, shall be paved with bituminous concrete pavement or other paving material approved by the Department of Public Works within 30 feet of the street right-of-way.

3. Street design and construction standards.

A. General requirements.

- (1) The Board shall not approve any subdivision plan unless proposed local streets are designed in accordance with the specifications contained in these regulations. The standards of Division B – Street Construction Standards of Chapter 6 shall apply to the construction of arterial or collector streets. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the City of any street or easement.

- (2) If any street construction is proposed, the applicant shall submit to the Board, as part of the final plan of a major subdivision or the plan for a minor subdivision, detailed construction drawings showing a plan view, profile, and typical cross section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than 50 feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
 - (a) Date, scale, and North arrow, indicating magnetic or true North.
 - (b) Intersections of the proposed street with existing streets.
 - (c) Roadway and right-of-way limits, including edge of pavement, edge of shoulder, sidewalks, and curbs.
 - (d) Kind, size, location, material, profile, and cross section of all existing and proposed drainage structures and their location with respect to existing natural waterways and proposed drainageways.
 - (e) Complete curve data for all horizontal and vertical curves.
 - (f) Turning radii at all intersections.
 - (g) Center-line gradients.
 - (h) Size, type, and locations of all existing and proposed overhead and underground utilities, including but not limited to water, sewer, electricity, telephone, lighting, and cable television.
- (3) Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Public Works Department or the Maine Department of Transportation, as appropriate.
- (4) Where the subdivision streets are to remain private roads, the following notes shall appear on the recorded plan:
 - (a) The City of Hallowell shall not be responsible for the maintenance, repair, plowing, or similar services for the private way(s) shown on this plan.
 - (b) Any private way shown on this plan shall not be accepted as a public street by the City of Hallowell unless the way complies with the standards for public streets (including right-

of-way width) existing at the time acceptance is requested.

B. Street design standards.

- (1) These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with local streets. The standards of Division B of Chapter 6 shall govern the design of arterial or collector streets. These guidelines shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design is good engineering practice and will meet the performance standards of Division I.
- (2) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the City.
- (3) Where a subdivision borders an existing narrow street (not meeting the right-of-way width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements. When such widening or realignment is included in the City's capital investment plan, the reserve area shall not be included in any lot but shall be reserved to be acquired by the City or state.
- (4) Any subdivision with more than fifteen (15) or more lots shall have at least two street connections with existing public streets or streets on an approved subdivision plan for which performance guarantees have been filed and accepted that are classified as collectors or arterials unless the Planning Board determines that due to the unique characteristics or location of the site that two accesses are not needed for safe and convenient access to the subdivision. Any street with an average daily traffic of 200 trips or more shall have at least two street connections leading to existing public streets or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- (5) The design of the street shall conform to the following design standards based on the street classification. The urban classifications shall apply in those areas designated as growth areas in the Comprehensive Plan. The rural classifications shall apply in those areas designated as rural in the Comprehensive Plan. The LID standards shall apply to a subdivision that is designed as a Low Impact Subdivision that meets the DEP LID stormwater management Best Management Practices and is designed as an open space

subdivision in accordance with the requirements of Section 9-846.

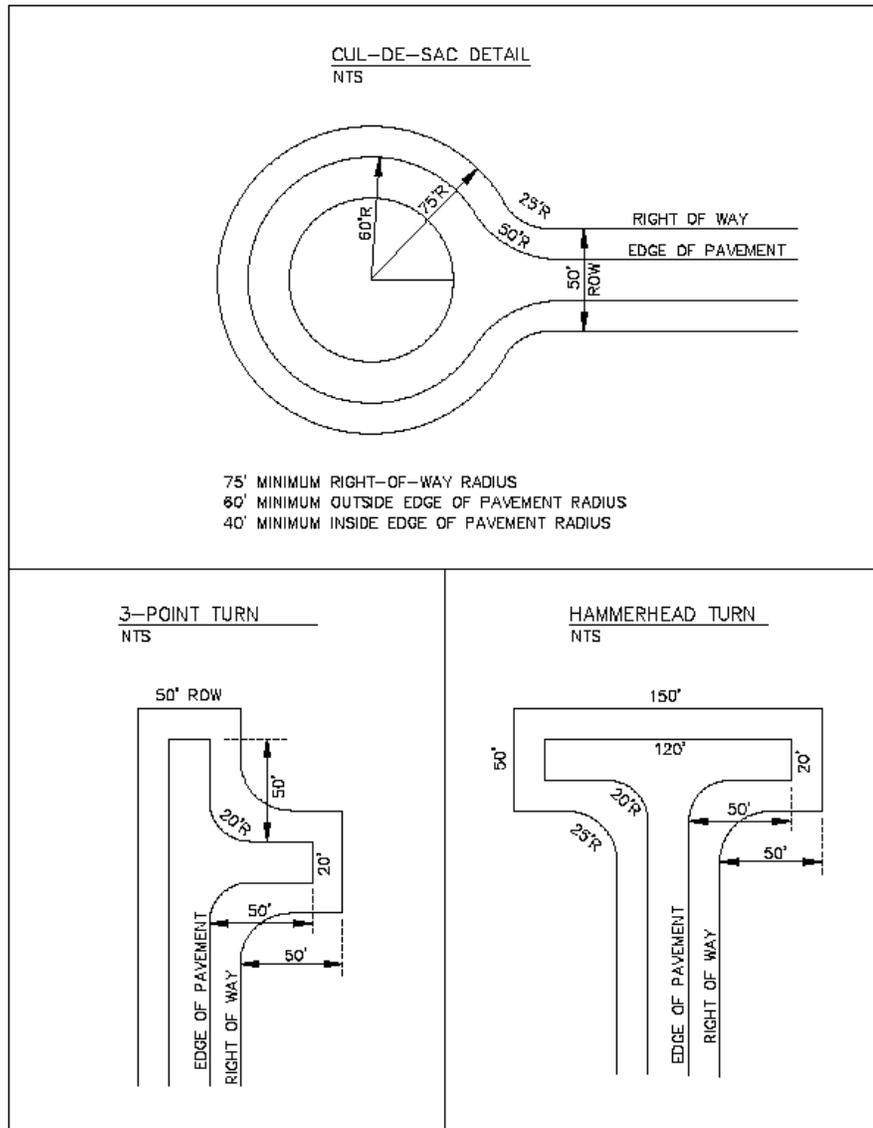
Factor	Urban Local Street Public/Private	Rural Local Street Public/Private	LID Private
R-O-W width	50'	50'	50'
Travelway width	24' (see Note 1)	20'	20'
Shoulder width	NA	4'	4'
Curb	Required (see Note 1)	None except where needed at intersections with existing streets	None except where needed at intersections with existing streets
Sidewalks	One side required – PB may require both sides if existing in the area	None	Provision for pedestrians required – can be sidewalk or path
Stormwater management	Closed system with detention (see Note 1)	Open ditches with detention	LID BMPs with infiltration
Dead ends	Allowed only if no other alternative – limited to a maximum of 15 lots per street	Allowed but discouraged – limited to a maximum of 15 lots per street	Allowed only if no other alternative – limited to a maximum of 15 lots per street
Access	Interconnected streets required unless no alternative and developments with more than 15 lots/units must have two connections to an arterial or collector street unless waived by Planning Board	Developments with more than 15 lots/units must have two connections to an arterial or collector street	Interconnected streets required unless no alternative and developments with more than 15 lots/units must have two connections to an arterial or collector street
Travelway surface	3.5" bituminous – 2.5" base – 1.0" surface	3.5" bituminous – 2.5" base – 1.0" surface	3.5" bituminous – 2.5" base – 1.0" surface

Factor	Urban Local Street Public/Private	Rural Local Street Public/Private	LID Private
Shoulder surface	NA	Compacted gravel	Compacted gravel
Sidewalk surface	Brick or 2" bituminous concrete	NA	NA
Curb Material	Vertical bituminous with sloped granite at street radii	NA except where needed at intersections with existing streets	NA
Curb radii	20' with collector streets & 15' with local streets	NA	NA
Maximum road grade	10% – PB may allow grade of up to 12% for distance of not more than 150' to address slope or soil conditions	10% – PB may allow grade of up to 12% for distance of not more than 150' to address slope or soil conditions	10% – PB may allow grade of up to 12% for distance of not more than 150' to address slope or soil conditions

Note 1: In those portions of the City where the urban standard would be required but are not directly served by the City's stormwater system, the Planning Board may approve the use of a road section that does not include curbing and/or an enclosed stormwater drainage system if the Planning Board finds that connection to the City system is not reasonable given the location and/or characteristics of the site. If curbing is not used, the width of the paved travelway may be reduced to 20' provided that 4' gravel shoulders are constructed.

- (6) The center line of the roadway shall be the center line of the right-of-way unless another alignment is approved by the Planning Board.
- (7) Dead end streets shall meet the design standards listed above. A dead end shall be terminated with a turning circle, hammer-head turn around, or three point turn around meeting the standards illustrated on the following page. The Board shall require the reservation of a twenty-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty-foot easement in line with the street to provide continuation of the road where future subdivision is possible. A dead-end street shall provide access to a maximum of 15 dwelling units (not including corner lots that gain their access from

another street).



- (8) Grades, intersections and sight distances.
- (a) Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
 - (b) All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed:

**Design Speed
(miles per hour)**

	20	25	30	35
Stopping sight distance (feet)	125	150	200	250

- (c) Stopping sight distance shall be calculated with a height of eye at 3 1/2 feet and the height of object at two feet.
 - (d) Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections.
- (9) Sidewalks. Sidewalks shall be installed within all subdivisions within areas designated as Growth Areas in the Comprehensive Plan. Sidewalks shall be provided on one side of the street. The Planning Board may require sidewalks on both side of the street where the established pattern in the adjacent area is sidewalks on both sides. The Planning Board waive the requirement for sidewalks if the Board finds that there are adequate alternative provisions for pedestrians outside of the right-of-way or that the scale of the project makes sidewalks unnecessary on one or both sides. Where installed, sidewalks shall meet these minimum requirements:
- (a) Location. Sidewalks shall be located adjacent to the curb.
 - (b) Sidewalk construction. Brick sidewalks shall be required in those areas where brick is the predominate material for existing sidewalks. In all other areas bituminous concrete sidewalks shall be provided. The Planning Board may approve the use of alternative materials with input from the Department of Public Works. The applicant shall be responsible for demonstrating that the alternative material is an acceptable equivalent. Handicapped access ramps shall be provided at all intersections and other pedestrian crossings.
- (10) Curbs shall be installed wherever a sidewalk is provided and in other areas as needed to control stormwater drainage or vehicle movement. The specified traveled way width shall be measured between the curbs.
- C. Street construction standards. Streets shall be constructed in accordance following requirements. For any aspect of construction not covered by these standards, the appropriate material and construction performance standards of the Maine Department of Transportation shall apply. The Planning Board

may waive or modify these standards with input from the Department of Public Works if it finds that the alternative will be equivalent.

- (1) Preparation.
 - (a) Before any clearing has started on the right-of-way, the side lines of the new road shall be staked or flagged at fifty-foot intervals.
 - (b) Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainageways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
 - (c) All organic materials or other deleterious material shall be removed to a depth of two (2) feet below the subgrade of the roadway.
 - (d) Except in a ledge cut, side slopes shall be no steeper than a slope of one foot vertical to three feet horizontal unless approved by the Planning Board with input from the Department of Public Works and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. When a slope greater than 1:3 is allowed, the slope shall be appropriately treated in a manner approved by the Public Works Department. Where a cut results in exposed ledge, a side slope no steeper than four feet vertical to one foot horizontal is permitted.
 - (e) All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.
- (2) Bases and pavement.
 - (a) Bases/subbase.
 - [1] The aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch-square mesh sieve shall meet the grading requirements of the following table. Aggregate for the subbase shall contain no particles of rock exceeding

six inches in any dimension.

Aggregate Subbase Grading Requirements

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

- [2] An aggregate base course shall be placed on top of the subbase course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch-square mesh sieve shall meet the grading requirements of the following table. Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

Base Course Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
3/8 inch	45% to 70%
1/4 inch	30% to 55%
No. 50	0% to 20%
No. 200	0% to 5%

- (b) Pavement joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line to form a neat, even, vertical joint.

- (c) Pavements.

- [1] Minimum standards for the base layer of pavement shall be the Maine Department of Transportation Specification 403.207 for Superpave mix 3/4 inch (18 millimeters) or an equivalent mix approved by the Department of Public Works. The pavement may be placed between April 15 and November 15, provided that the air temperature in the shade at the paving location is 35° F. or higher and the surface to be paved is not frozen or unreasonably wet.

[2] Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation Specification 403.210 for Superpave mix 3/8 inch (9.5 millimeters) or an equivalent mix approved by the Department of Public Works. The pavement may be placed between April 15 and October 15, provided that the air temperature in the shade at the paving location is 50° F. or higher.

(d) Specifications

[1] The minimum thickness of material after reaching 95% of modified Proctor maximum density shall meet the specifications in the following table:

Street Materials	Local or Private LID
Aggregate subbase course (inches)	15
Screened or crushed aggregate base course (inches)	3
Hot bituminous pavement (inches)	
Total thickness	3.5
Surface course [MeDOT 403.210 Superpave Mix 3/8 inch (9.5mm)]	1.0
Base course [MeDOT 403.207 Superpave Mix 3/4 inch (19mm)]	2.5

SECTION 9-849 WILDLIFE HABITAT, RARE NATURAL AREAS OR PUBLIC ACCESS TO SHORELINE

1. Retention of natural or historic features.
 - A. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.
 - B. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the Comprehensive Plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be compatible

with the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

2. Protection of significant wildlife habitat and important habitat areas. The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site-specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat or resources.
 - A. Protection of habitat of endangered or threatened species.
 - (1) The habitat of species appearing on the official state or federal lists of endangered or threatened species shall be maintained as open space.
 - (2) Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.
 - B. Protection of waterfowl habitat.
 - (1) There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of high and moderate value waterfowl habitats, including nesting and feeding areas.
 - (2) This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.
 - C. Protection of deer wintering areas. The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.
 - D. Protection of shoreland areas.
 - (1) All areas subject to shoreland zoning shall comply with the relevant standards.
 - (2) These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

- E. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist and its or his comments presented in writing to the Board.

SECTION 9-850 STORMWATER MANAGEMENT DESIGN GUIDELINES

1. The design of best management practices shall be substantially equivalent to those described in "Stormwater Management for Maine: BMP Technical Design Manual," published by the Maine Department of Environmental Protection, 2006.
2. Drainage easements for existing watercourses or proposed drainageways shall be provided at least 30 feet wide, conforming substantially to the lines of existing natural drainage.
3. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and 18 inches for cross culverts. The minimum pipe size between drainage structures and at inlets and outfalls shall be determined by the Department of Public Works. 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 reaching a minimum of six inches below the bottom of the pipe and extending to six inches above the top of the pipe. The material shall contain no stones larger than three inches, lumps of clay, or organic matter.
4. Catch basins shall be installed where necessary and when located within a street shall be located at the curbline.
5. Storm drainage construction standards.
 - A. Materials.
 - (1) Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for nonmetallic pipe and Section 707 for metallic pipe. Bituminous-coated steel pipes shall not be used.
 - (2) Where the storm drainage pipe is to be covered by 10 feet or more of fill material, pipe material with a fifty-year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl chloride (PVC) pipe, and corrugated aluminum alloy pipe.
 - B. Pipe gauges. Metallic storm drainage pipe shall meet the thickness requirements of the following table, depending on pipe diameter.

Culvert Size and Thicknesses Material

Inside Diameter (inches)	Galvanized CMP	
	Aluminum/Zinc Coated CMP	Aluminum Coated CMP Polymer Coated CMP
15 to 24	14 ga.	16 ga.
30 to 36	12 ga.	14 ga.
42 to 54	10 ga.	12 ga.
60 to 72	8 ga.	10 ga.

- C. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.
 - D. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of four-hundred-foot intervals.
6. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

SECTION 9-851 IMPACT ON WATER QUALITY OR SHORELINE

- 1. All areas subject to shoreland zoning shall comply with the relevant standards.
- 2. These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

SECTION 9-852 BLOCKS

Within areas designated as Growth areas in the Comprehensive Plan, blocks shall be laid out to reflect the established street and block pattern of the City to the extent consistent with natural limitations. An interconnected street pattern must be maintained where feasible and dead-end streets should be avoided. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.

SECTION 9-853 LOTS

- 1. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board based upon the criteria of the subdivision

statute at the time of the revision, the standards of the City's Subdivision Regulations then in effect, and any conditions placed on the original approval.

2. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
3. Flag lots and other odd-shaped lots in which narrow strips of less than 25 feet in width are joined to other parcels in order to meet minimum lot size requirements are prohibited.

SECTION 9-854 UTILITIES

Utilities serving subdivisions in areas designated by the Comprehensive Plan as growth areas shall be installed underground. Utilities serving lots outside of growth areas with a street frontage of 125 feet or less shall also be installed underground. The Board may approve overhead utilities when the applicant provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the market in that location. When utilities are installed underground, the subdivider shall install appropriate signs indicating the location of such utilities.

SECTION 9-855 MONUMENTS

1. Granite monuments shall be set at all street intersections and points of curvature but no further than 750 feet apart along all street lines.
2. Granite monuments shall be a minimum of four inches square at the top and four feet in length and set in the ground at final grade level. If site conditions prohibit the installation of a four-foot monument, the Town Engineer may approve alternative provisions for permanent monumentation. After they are set, a drill hole two inches deep shall locate the point or points described above.
3. All subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.