

# **SUBDIVISION REGULATIONS**

## **TOWN OF TRENTON, MAINE**

**As Amended September 10, 2008**



## **Town of Trenton Subdivision Regulations**

### **Section 8-101 Purpose**

- A. The purpose of these regulations is to establish an administrative hearing and review process which will provide the Trenton Planning Board with sufficient evidence, data and material to carry out its responsibilities as required by Title 30-A MRSA, Sections 4401-4407, the Trenton Land Use Ordinance and other applicable ordinances adopted by the town. These regulations are also to provide a vehicle by which the inhabitants of Trenton can evaluate the impact of the subdivision on the community as well as to provide a clear procedure which applicants for subdivision permits shall follow.
- B. These regulations are set forth to establish a process which requires only one (1) application, one (1) hearing and one (1) decision in order to achieve a fair and expeditious review of all subdivision applications.
- C. These regulations shall be to insure the comfort, convenience, safety, health and welfare of the residents of the Town of Trenton, and to protect the environment and, aesthetic beauty, to minimize potential impacts from new subdivisions on neighboring properties, and to provide for the development of an economically sound and stable community.
- D. These regulations are set forth to assure that new development in the Town of Trenton meets the goals and conforms to the policies of the Trenton Comprehensive Plan.
- E. The purpose of these regulations is also to assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures.

### **Section 8-102 Authority & Prohibitions**

- A. These Rules and Regulations are prepared in accordance with, and authority granted by Title 30-A MRSA, Section 4403 and shall be cited and known as 'Subdivision Regulations of the Town of Trenton.'
- B. Prohibitions. No lot shall be sold, leased or offered for sale or lease, no utility installations, no ditching, grading or construction of roads, no grading of land or lots, no clearing of vegetation, and no construction of buildings shall be done on any part of the subdivision until such subdivision plan shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in these Regulations, and also an attested copy, so approved and so endorsed has been duly recorded by the subdivider in the Hancock County Registry of Deeds.

### **Section 8-103 Definitions**

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

**Affordable Housing:** Housing units which will meet the sales price and/or rental targets established by the Comprehensive Plan for housing affordability.

**Applicant:** The person applying for subdivision approval under these regulations.

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

**Base:** That portion of the roadway constructed of special material on the subgrade and supporting the surface and pavement.

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

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

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

**Cluster Subdivision:** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

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

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

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

**Comprehensive Plan:** A document or interrelated documents adopted by the Legislative Body, containing the elements established under Title 30-A M.R.S.A. §4326 sub-§§ 1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under Title 30-A M.R.S.A. §§4311 through 4350.

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

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

**Driveway:** see 'Street Classification'

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

**Engineered Subsurface Waste Water Disposal System:** A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

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

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

**High Intensity Soil Survey:** A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

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

**High Water Mark, Coastal Waters:** See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.

**High Water Mark, Inland Waters:** See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.

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

**Manufactured Housing:** Means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

- (1) Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and
- (2) Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

**Mobile Home Park:** Means a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes. A mobile home park is considered a major subdivision for purposes of review under the Trenton subdivision regulations.

**Mobile Home Park Lot:** Means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality may require a lot to be designed on a mobile home park plan.

**Mobile Home Subdivision or Development:** Means a parcel of land approved by the municipal reviewing authority under subsections of these regulations for the placement of manufactured houses on individually owned lots.

**Multifamily Development:** A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings (also see Section 4.1.10.14 of the Trenton Land Use Ordinance), condominiums or mobile home parks.

**Municipal Engineer:** Any registered professional engineer hired or retained by the municipality, either as staff or on

a consulting basis.

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

1. Land which is situated below the normal high water mark of any water body.
2. Land which is located within the 100 year frequency flood plain. The elevation of filled or made land shall not be considered.
3. Land which is part of a right-of-way, or easement, including utility easements.
4. Land that has been created by filling or draining a pond or wetland.
5. Land which is located in a town designated resource protection district.
6. Land which has slopes in excess of 15%.
7. Land which is identified by the Soil Conservation Service as having a seasonal high-water table of 6" or less.

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

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

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

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

**Professional Engineer:** A professional engineer, registered in the State of Maine.

**Public Water Supply:** any publicly or privately-owned system of pipes, structures and facilities through which water is obtained for or sold, furnished or distributed to the public for human consumption; if such system has at least 15 service connections or serves at least 25 individuals daily at least 60 days out of the year

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

**Right of Way:** All lands or other property interest provided or acquired for the development and operation of a road, which could include drainage and slope easements.

**Roadbed:** That portion of the roadway between the outside edges of the finished shoulders.

**Roadside:** General term denoting the area adjoining the outer edge of the roadway.

**Roadway:** That portion of the highway within the limits of construction.

**Shoulders:** That portion of the roadway lying immediately outside the edge of the pavement.

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

**Sketch Plan:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

**Source water protection area:** the area that contributes recharge water to a surface water intake or public water supply well as determined by the Maine Drinking Water Program.

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

**Street Classification:**

**Arterial Street:** A major thoroughfare which serves as a major traffic way for travel between and through the municipality. Rte 3 is considered an arterial street in Trenton.

**Collector Street/Road:** A street or road with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets. Rte 230 and Rte 204 are collector roads in Trenton.

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

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

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

**Minor Residential Street:** A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

**Private Right of Way:** A minor residential street which is not intended to be a public way.

**Street Stub:** A portion of a street reserved to provide access to future development, which may provide for utility connections.

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



dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

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

1. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2<sup>nd</sup> division; or
2. The division of the tract or parcel is otherwise exempt under this subchapter.

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

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

1. When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance.

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

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

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

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that

does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

- E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.
- F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.
- G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

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

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

**Subgrade:** That portion of the roadway upon which the base and shoulders are constructed.

**Surfacing:** That portion of the roadway constructed on the base course to facilitate fine grading and produce good rideability.

**Surface Treatment:** Any bituminous treatment applied on the surfacing course, such as a tarred surface pavement applied at a rate of one gallon per square yard with at least 1½ inches of penetration.

**Tract or Parcel of Land:** All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, tidal waters where there is no flow at low tide, or a private right-of-way established by the present land owners.

**Usable Open Space:** That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 15%.

#### **Section 8-104 Planning Board Review and Approval**

- A. Application. An application for a subdivision permit shall be filed with the Code Enforcement Officer, who shall issue a dated receipt. within forty (40) days from date of filing the Planning Board shall notify the applicant, in writing, either that the application was complete, or that it was incomplete, specifically listing those parts required to make the application complete. For major subdivisions the planning board may also request the applicant to submit to the planning board for its consideration a preliminary plan before a final

plan is submitted. In such cases the planning board shall deem subdivision applications incomplete until after the review of the preliminary plan has been conducted. An affirmation of completeness by the Planning Board in no way, binds or commits the Board as to the adequacy of the application to meet the criteria of Title 30-A MRSA, Section Sections 4401-4407, as amended, or the Trenton Land Use Ordinance. After determining the completeness of the application by the Board, it shall notify the applicant and all property owners abutting the boundaries of the subdivision, in writing. This written notice shall briefly describe the subdivision and state where the application may be inspected.

B. **Public Hearing.** The Planning Board shall hold a public hearing on proposed subdivisions within thirty (30) days of determining a complete subdivision application has been submitted. The planning board may also hold an informal public review of a preliminary plan submitted by the applicant. When the Planning Board shall hold a public hearing, it shall cause notice of the date, time and place of such hearing to be given to the applicant, and to be published in a newspaper of general circulation in the Town of Trenton at least twice prior to the hearing, the date of the first publication to be at least seven (7) days prior to the hearing. A copy of the notice shall be mailed to the applicant.

C. **Decision.**

1. The Planning board shall, within thirty (30) days of a public hearing, or within such other time limits that may be otherwise mutually agreed to between the applicant and the Planning Board, issue an order denying, or granting approval of the proposed subdivision or granting approval upon such terms and conditions as the Planning Board may deem advisable to satisfy the criteria of Title 30-A MRSA, Section 4404, as amended, these Regulations and the comprehensive plan of the Town of Trenton, and any other regulations of the Town of Trenton pertinent to the proposed subdivision.
2. In issuing its decision, the Planning Board shall prepare written findings of fact establishing that the proposed subdivision does or does not meet the criteria of 30-A MRSA, Section 4404, as amended, the comprehensive plan of the Town of Trenton, and the standards in these regulations.
3. In all instances, the burden of proof, persuasion, production of documents and data shall be upon the applicant.
4. Pursuant to the provisions of the *Assessment of Impact Fee Ordinance of Town of Trenton, Maine*, Article I, Section 1.4, final approval of any subdivision application shall not be granted until the provisions of the impact fee ordinance are met.
5. In approving any subdivision within the Town of Trenton, the Planning Board shall consider the following criteria, and before granting approval shall determine that the proposed subdivision:
  - a. Will not result in undue water or air pollution. In making this determination, it shall at least consider: The elevation of land and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable State and local water resources rules and regulations;
  - b. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

- c. Will not cause unreasonable burden on an existing water supply, if one is to be utilized;
- d. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition results;
- e. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- f. Will provide for adequate sewage waste disposal;
- g. Will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- h. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife of the municipality or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- i. Is in conformance with the zoning ordinance, these subdivision regulations, comprehensive plan and all other ordinances and regulations duly adopted by the Town of Trenton;
- j. The subdivider has adequate financial and technical capacity to meet the standards of these regulations;
- k. Whenever situated entirely or partially within 250 feet of the upland edge of a coastal or freshwater wetland, within 75 feet of the highwater line of a stream, or within 250 feet of the normal high water line of any saltwater body as defined in Title 38, chapter 3, subchapter I, sections 435 - 449, that the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;
- l. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
- m. Is not in a flood-prone area based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevations;
- n. Will not affect any and all freshwater wetlands within the proposed subdivision, which must be identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;
- o. Will not affect any river, stream or brook within or abutting the proposed subdivision, which must be

identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;

- p. Will provide for adequate storm water management; and
  - q. Will not result in spaghetti-lots. 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 3 to 1.
  - r. 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.
  - s. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.
  - t. The subdivider has notified public water supply operators if any portion of the land subject to review under the subdivision application lies within the public water source water protection area.
- 6. The approval of a Subdivision Plan shall be attested on the original reproducible tracing and on two (2) copies by the signature of a majority of the members of the Board.
  - 7. One (1) copy of an approved Subdivision Plan as amended shall be retained by the Building Inspector's Office, one (1) copy shall be retained by the Planning Board for its files, one (1) reproducible tracing copy shall be delivered to the County Registry of Deeds by the applicant for recording, the cost of recording to be borne by the applicant.
  - 8. For any Subdivision Plan on land within five hundred (500) feet of an adjacent community, the Trenton Planning Board shall notify the adjacent community.
  - 9. All applications for Final Plan approval for a Subdivision shall be accompanied by a non-refundable application fee of \$25 per lot or dwelling unit, payable by check to the municipality. In addition, the

applicant may be required to pay an additional fee to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application, if and as necessary. An estimate of the cost of the independent consulting services will be provided to the applicant before costs are incurred. Any balance in the special account remaining after a decision on the final plan application by the Board shall be returned to the applicant. A fee for inspection of construction of required improvements may also be required. See Section 8-107 Inspections and Enforcements.

## **Section 8-105 Submissions**

A. Completed application shall consist of the following:

1. Application Form.
2. Two (2) prints and an inked cloth or Mylar film tracing of twenty-four by thirty-two inches (24' x 32") maximum, of the final plot plan, for signature and recording purposes, in accordance with Section 8-104.5 -6. For a preliminary plan of a major subdivision three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot.
3. At least three (3) copies of the final subdivision plan which shall provide the following information:
  - a. At least three (3) copies of each map or drawing which may be printed or reproduced on paper with all dimensions shown in feet, with a scale of one (1) inch equal to fifty (50) feet, or a scale deemed appropriate by the planning board as necessary so that all necessary detail can easily be read.
  - b. Proposed name of subdivision or identifying title.
  - c. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plans.
  - d. Date, true north arrow, graphic scale.
  - e. Boundaries of the tract.
  - f. The names and addresses of all abutters and owners on record.
  - g. Contour intervals not to exceed twenty (20) feet or as directed by the Planning Board, tied whenever possible to USGS Bench Marks.
  - h. Number of acres within the proposed subdivision, location of property lines, lot lines, dimensions and square feet or acreage of each lot identifying existing easements, building, watercourses and other existing essential physical features including wooded areas and wetlands and showing the location of all unusual and unique natural features on or near the site.

- i. Zoning district boundaries affecting the subdivision.
- j. Verification of right, title, or interest in the property.
- k. Type, location and direction of flow of all existing surface water drainage.
- l. Location of all existing utilities.
- m. Location, name and present width of all existing and proposed streets, easements, parks and other public open spaces within and directly adjacent to the proposed subdivision. In addition maintenance and management arrangements for any new proposed streets shall also be provided.
- n. Grades and street profiles of all streets or other public ways proposed by the subdivider and typical cross sections of the proposed grading and roadways and sidewalks.
- o. All parcels of land proposed to be dedicated to public use and the conditions of such dedication, including management and maintenance arrangements proposed.
- p. Location of existing natural or man-made features influencing the layout of the proposed subdivision shall be shown. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the Plan. On wooded sites, the Plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing of existing vegetation.
- q. Proposed use of the property.
- r. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan.
- s. Registry of Deeds book and page numbers of deeds of all properties within the proposed subdivision and all covenants, or right-of-way on the proposed subdivision land.
- t. Where sewage disposal is proposed by use of septic tanks the Board shall require a written statement from a Maine licensed Site Evaluator that test pit analyses, and other requirements, in accordance with the State of Maine Subsurface Wastewater Disposal Rules, have been made on each proposed lot and that the land is considered suitable for disposal systems using septic tanks. The location of all test pits dug on the site shall be shown on the plan and results of the tests shown to ascertain surface and subsurface soils and ground water conditions, depth to maximum ground water level and ledge for each lot shall also be provided.
- u. The location of all markers, permanent and temporary, adequate to enable the Board to locate readily and appraise the basic site layout in the field.

- v. The following words shall appear on the recorded plan. "All roads in this subdivision shall remain private right-of-ways to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet the existing municipal street design and construction standards and are accepted by the legislative body of the Town."
- w. The location of any public water supply source protection area that falls within the property.

B. The Subdivision Plan shall be accompanied by these documents providing the following information:

1. Water supply system proposed in the subdivision plan shall be approved in writing by the plumbing inspector or other qualified person appointed by the Board.
2. A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
3. A high intensity soils report identifying the soils boundaries and names in the proposed development with the soils information inked on cloth or mylar film to the same scale as the subdivision plan and in accordance with the U.S. Natural Resource Conservation Service, National Cooperative Soil Classification. Wetland areas shall be identified on the survey regardless of size.
4. A Soil Erosion and Sediment Control Plan. The Planning Board may require the endorsement of the Hancock County Soil and Water Conservation District of the Maine Soil and Water Conservation Commission.
5. A hydrogeologic assessment may be required by the Board. When a hydrogeologic assessment is submitted the assessment shall contain at least the following information:
  - a. A map showing the basic soils types.
  - b. The depth to the water table at representative points throughout the subdivision.
  - c. Drainage conditions throughout the subdivision.
  - d. Data on the existing ground water quality and quantity, either from test wells in the subdivision or from existing wells on neighboring properties.
  - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources,



whichever is a shorter distance.

- f. 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.
  - g. Projections of ground water quality and quantity shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
6. The planning board in its determination of financial capacity may also require:
- a. A list of construction items, with cost estimates, that will be completed by the developer prior to the sale of lots, and evidence that the subdivider has financial commitments or resources to cover these costs.
  - b. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:

- Schools, including busing
- Street maintenance and snow removal
- Police and fire protection
- Solid Waste disposal
- Recreation facilities
- Storm water drainage
- Wastewater treatment
- Water supply

The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

7. Subdivisions larger than twenty (20) acres shall be required by State of Maine Department of Environmental Protection Site Review under the Site Location Article, Title 38, MRSA, Section 481-489, as amended. The Planning Board shall withhold approval of such a subdivision until receiving proof that the State Department of Environmental Protection has been notified of the possible need for such a review.
8. Such other conveyances, certificates, affidavits, endorsements, deductions or any additional information as may be required by the Planning Board in order to determine whether the criteria of Title 30-A MRSA, Section 4404 are met, and as necessary for the enforcement of these regulations.

#### **Section 8-106 Performance Standards for Subdivisions**

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the Subdivision Statute (30-A M.R.S.A., 4404). In reviewing a proposed subdivision, the Planning Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of

proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

**A. Pollution**

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

**B. Sufficient Water**

1. Water Supply.

- a. 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.
- b. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules.
- c. If a central water supply system is provided by the subdivider, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
- d. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of one acre or less. On lots of one acre or smaller, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.
- e. Dug wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the affected lots.
- f. In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities.
  - (1) Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief.
  - (2) A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not served by a public water supply. The Board may require additional storage capacity upon a recommendation from the fire chief.
  - (3) Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice. An easement shall be granted to the municipality

granting access to and maintenance of dry hydrants or reservoirs where necessary.

- (4) Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches. A suitable accessway to the hydrant or other water source shall be constructed.
- (5) The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

## 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.

## C. Erosion and Sedimentation

1. The proposed subdivision shall prevent soil erosion from entering water bodies, freshwater wetlands, and adjacent properties.
2. An erosion and sedimentation plan shall be prepared in accordance with the standards of the Maine Department of Environmental Protection's Maine Erosion and Sediment Control BMPS (March 2003 or as subsequently amended).
3. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
4. Topsoil shall be considered part of the subdivisions and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations.

## D. Traffic and Roads

### 1. General Standards

The proposed subdivision shall meet the following general transportation performance standards:

- a. The subdivision transportation system shall provide safeguards against hazards to vehicles, bicyclists and pedestrians in interior subdivision streets and access connections to external streets

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

**2. General Access Standards.**

All subdivision accesses connecting with external streets shall meet the following standards:

- a. Accesses connecting to any state or state-aid highway shall meet the minimum access permitting requirements of the Maine Department of Transportation "Highway Driveway and Entrance Rules";
- b. Accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour shall meet the minimum access permitting requirements of the Maine Department of Transportation "Rules and Regulations Pertaining to Traffic Movement Permits".
- c. 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 municipal reviewing authority may reduce the mitigation requirement for those measures so long as the resulting traffic conditions provide for safe traffic movement.
- d. Accesses to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.

### **3. General Internal Subdivision Street Standards**

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

- a. The street or street system, including pedestrian ways, of the proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets and pedestrian ways, both sidewalks and stand alone paths and/or trails. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the municipality to provide access to abutting properties or to logically extend the street system. All street stubs shall be provided with temporary turn around or cul-de-sacs designed to town standards unless specifically exempted by the town, and the restoration and expansion of the street shall be the responsibility of any future developer of the abutting land. Minor collector and local streets shall connect with surrounding streets to permit convenient movement of vehicular and pedestrian traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by

substantial through traffic.

- b. Where necessary to safeguard against hazards to vehicle drivers, bicyclists and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways, transportation demand management techniques, and traffic controls within existing public streets. Provisions shall also be made for easements for stand alone (off-street) pedestrian facilities that connect to adjoining neighborhoods and development and/or existing trails.

#### **4. Street Names, Signs and Lighting**

Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety and control signs. Street lighting may be required to be installed as approved by the Board.

#### **5. Cleanup**

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

#### **6. Specific Access and Street Design Standards.**

##### **A. Access Control.**

1. To the maximum extent practical, all subdivision accesses shall be constructed perpendicular to the external street providing access to the subdivision. No subdivision accesses shall intersect the external street at an angle of less than 60 degrees.
2. Where a subdivision abuts or contains an existing or proposed arterial street, no lot may have vehicular access directly to the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.
3. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots. In cases where creating an access to a lesser traveled way is problematical, the Board may allow an access on the higher volume street if the

access does not significantly detract from public safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage on the external street, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic. In cases where the double frontage lot has frontage on two Maine Department of Transportation designated non-compact arterials, the access shall meet the permitting standards of the Maine Department of Transportation "Highway Driveway and Entrance Rules".

4. Lots in subdivisions with frontage on a state or state aid highway shall have shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served.
5. The subdivision access including all radii must be paved from the edge of pavement of the external street to the street right of way or the length of the design vehicle using the subdivision, whichever is greater, unless:
  - a. the external street is not paved; or
  - b. the internal subdivision street is an unpaved private street that is expected to carry an Average Daily Traffic capacity of 50 trips or less.
6. Minimum Sight Distance Standards

Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access. For accesses that are expected to carry primarily passenger vehicles, the standards in the second column in Table 1 (*see Appendix I*) shall apply. For accesses that are estimated to carry more than 30% of their traffic in vehicles larger than standard passenger vehicles, the standards in the third column of Table 1 shall apply. On roads that are designated by the Maine Department of Transportation as Mobility or Retrograde Arterials, the third column in Table 1 shall apply.

7. Access design shall be based on the traffic volume estimates anticipated to be carried by the internal subdivision street. Traffic volume estimates shall be defined by the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers. The following traffic volume standards shall apply to the design of subdivision accesses connecting to external streets:
  - a. Low Volume Access: An access with 50 or less passenger car equivalent trips per day.
  - b. Medium Volume Access: Any access with more than 50 passenger car equivalent trips per day but less than 100 passenger car equivalent trips during

the peak hour.

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

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

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

9. Additional Access Requirements for Medium Volume Accesses

In addition to the basic access standards outlined in 8-106.D.B., medium volume accesses on state or state-aid highways designated as Major Collectors or Arterials shall also comply with the following standards:

- a. The minimum curb radius on the edge of the access shall exceed the minimum curb radius standard in 8-106.D.B. if a larger design radius is needed to accommodate a larger design vehicle.
- b. A throat shall be constructed around the access in order to store vehicles waiting to exit the access. The throat shall be of sufficient length to prevent incoming vehicles from queuing back into the highway. Access from the throat to parking or other areas shall be prohibited.
- c. A separator strip or strip of land that separates the roadway from the throat or parking area shall be constructed. The access separator strips shall be installed between the parking area and the roadway and along the throat. The Board shall determine if the separator strip shall include curbing, walkways, ditching, and/or vegetation. The separator strip shall extend away from the highway at a minimum of 9 feet from the traveled way of the external road.
- d. The Board shall determine if one two-way or two one-way access(es) will be required for the proposed subdivision. If a one-way system is required and the predominant traffic volume is truck traffic, the entrance will be configured on the minimum angle that permits the truck to enter or leave the highway safely and conveniently. Otherwise all one way accesses will be configured perpendicular to the highway for at least the length of the design vehicle. For one-way access systems, the Board shall determine if a physical separation of curbing, ditching, grass or other landscaping must be used between the two one-way accesses. Both portions of a one-way access must be separated from another one-way access by at least 12 feet.



10. All high volume accesses shall meet the requirements of the Maine Department of Transportation's "Rules and Regulations Pertaining to Traffic Movement Permits." A copy of the Maine Department of Transportation's required traffic study shall be submitted to the Board. The Board shall develop design standards for the proposed subdivision access based on the findings of the traffic study submitted to the Maine Department of Transportation. The design standards shall be compatible with the performance standards cited in Section 8-106.D.2. of the Subdivision Regulations.

B. Street Design and Construction Standards.

1. General Requirements.

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

8. Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
- c. Upon receipt of plans for a proposed public street the Board shall forward one copy to the municipal officers, the road commissioner, and the municipal engineer for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the municipal engineer for review and comment.
- d. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.
- e. Private Roads.

The following standards shall apply to all proposed private roads:

1. All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
2. Except for sidewalk, bicycle provisions and minimum grade requirements stipulated in this Section, all private roads shall adhere to the road design standards of this Section.
3. The Board may approve a reduction of the right of way easement for private roads to a minimum of 30 feet in land use density areas designated as "Rural" in Section 10.15.1.B.2.f.
4. All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.
5. All private roads shall have adequate provisions for drainage and stormwater runoff as provided in Section 10.12.
6. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan : "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet all municipal street design and construction standards."

7. A road maintenance agreement shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for a method to initiate and finance a private road and maintain that road in condition, and a method of apportioning maintenance costs to current and future users.

## 2. Street Design Standards.

- a. These design guidelines shall control the roadway, shoulders, clear zones, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of this Article.
- b. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.
- c. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.
- d. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance. When such widening or realignment is included in the municipality's capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.
- e. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- f. The design standards of Table 2 shall be compatible with the traffic volume access thresholds referenced in Section 8-106.D.6.A.7. In addition, the street design standards shall be compatible with the estimated Average Daily Traffic expected to occur on the internal subdivision street, and the land use type and lot density allowed in the land use zone. The following land use density pattern requirements shall be required for the following land use zones.

1. Land use density patterns that are Rural (R) shall apply to the following zones: Resource Protection and Residential Rural.
  2. Land use density patterns that are Village/Urban (V/U) shall apply to the following zones: Village, Business Park, Residential Growth and Rural Development.
  3. Land use density patterns that are Commercial/Industrial (C/I) shall apply to the following zones if the proposed development will contain commercial or industrial uses: Airport Commercial Industrial, Gateway Commercial; Rural Commercial and Route 3 Corridor Overlay District,
- g. The Board shall have authority to increase the minimum standards in Table 2, if the Board approves a road design that will accommodate travel speeds greater than 30 mph.
- h. On Street Parking.  
The Board shall have authority to require a paved cross section of 26 feet for residential subdivisions with average lot widths between 65 feet and 150 feet wide for on-street spillover parking.
- i. Curbs.
1. Curbs shall be installed for stormwater purposes and/or to protect the pavement edge from unraveling along parking lanes or in very intensive developments where heavy use may erode the planted area at the edge of the pavement. Curbs for stormwater management shall be contingent on the stormwater design standards specified in Section 10.13. If curbs are not necessary for stormwater management purposes, they are not required for subdivisions in which the average lot width is 150 feet or greater.
  2. If the Board requires a vertical curb and no parking lane is present, a minimum shoulder of 2 feet is recommended from the traveled way to the curb. For sloped curbs where no parking lane is present, a minimum 1 foot shoulder is required from the traveled way to the curb.
  3. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement.
- j. The Board may require additional shoulder lengths in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other bicycle traffic generators suggest that additional shoulder lengths will be needed for bicycle traffic. In situations where additional shoulder lengths are required for bicyclists, the minimum width of a paved shoulder shall be 1 foot on either side of the traveled way for all low and medium volume streets in Rural (R) designated zones defined in Section 8.106.D.6.B.2.F. Paved shoulder widths for low and medium volume streets in Village (V) designated zones shall be a minimum of 2 feet on either side of the traveled way.

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

l. Dead End Streets.

In addition to the design standards in Table 2, dead-end streets shall be constructed to provide a cul-de-sac turn-around with a travel lane and width equal to the minimum width required for the internal subdivision street. For all residential cul-de-sacs the minimum radius shall be 38 feet. For commercial/industrial cul-de-sacs the minimum radius shall be 50 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. 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 right-of-way easement equal to the right of way width of the internal subdivision street in line with the street to provide continuation of the road where future subdivision is possible. A T-turn around is permissible for residential subdivisions carrying an ADT of 100 or less. The turn around area shall have a width equal to the street width, a 5 foot turning radius, and a total length of 50 feet centered above the street.

m. Sidewalks.

The Board may require sidewalks in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other pedestrian traffic generators suggest sidewalks will be needed. The Board shall determine if sidewalks will be installed on one side or both sides of the street, and if the sidewalk shall be a bituminous or Portland cement concrete sidewalk.

1. Location.

Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed. If no shoulder is required, the sidewalk shall be located a minimum of 4 feet from the edge of the traveled way.

2. Bituminous Sidewalks.

- (a) The "subbase" aggregate course shall be no less than twelve inches thick after compaction.
- (b) The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

3. Portland Cement Concrete Sidewalks.

- (a) The "subbase" aggregate shall be no less than twelve inches thick after compaction.
- (b) The portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

3. Street Construction Standards.

- a. The minimum thickness of material after compaction shall meet the specifications in

Table 3.

b. Preparation.

1. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, clear zones, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.
4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.
5. 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.

c. Bases and Pavement.

1. Bases/Subbase.

- (a) The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 4.

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

- (b) If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter,

lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 5.

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

2. Pavement Joints.

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

3. Pavements.

(a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

(b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

4. Surface Gravel.

The Board may approve an aggregate road base for any internal subdivision public street in which zoning requires a minimum of one dwelling unit per 7 acres, or any private way with a maximum estimated Average Daily Traffic of 50 ADT or less. The surface gravel shall meet the gravel grading requirements of Table 10.6.

**E. Sewage Disposal**

1. 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.

2. The Site Evaluator shall certify, in writing, that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.

**F. Impact on Municipality's Ability to Dispose of Solid Waste**

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste

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

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

1. Scenic areas as identified in the Town's Comprehensive Plan are an important part of its character and need to be preserved. It is the policy of the town in conformance with the comprehensive plan to encourage the preservation and utilization of these areas through proper land use planning and site design principles. The Subdivision Plan shall require structures to impede as little as reasonably practical, scenic views from public roadways or from existing structures and the natural environment.
2. The Board may require that the application include a landscape plan that will show the preservation of any existing trees larger than 24" inches diameter at a height of 5 feet above the ground, the replacement of trees and vegetation, and graded contours.

**H. Retention of Open Space and Natural or Historic Features**

1. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.
2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan, National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.
4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the municipality in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics, but shall constitute no less than 5% of the area of the subdivision. In determining the need for recreational open space the Board shall also consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; and the type of development. 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.



5. Subdivisions with an average density of more than three dwelling units per acre shall provide no less than fifty percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet.
6. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
7. Reserved open space land may be dedicated to the municipality.
8. Where land within the subdivision is not suitable or is insufficient in amount, and when suggested by the comprehensive plan, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved open space that otherwise would be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

#### **I. Preservation of Significant Wildlife Habitat**

If any portion of a proposed subdivision lies within:

1. 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 and wading bird habitats, including nesting and feeding areas;
  - c. shorebird nesting, feeding and staging areas and seabird nesting islands;
  - d. critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or
2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor, or
3. Other important habitat areas identified in the local comprehensive Plan or the Department of Inland Fisheries and Wildlife Beginning with Habitat project the applicant shall demonstrate that there shall be no adverse impacts on the habitat and the species it supports. A report prepared by a wildlife biologist, selected or approved by the Board may be required. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

Any existing public rights of access to the shoreline of a water body shall be maintained by means of

easements or rights-of-way, or should be included in the open space, with provisions made for continued public access.

**J. Conformance with Zoning and Other Land Use Provisions**

All lots shall meet the minimum dimensional requirements for the land use district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria as provided in provisions contained in other Town Ordinances.

**K. 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 granted to the applicant.

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

1. Ground Water Quality

- a. A hydrogeologic assessment may be required by the Planning Board. When a hydrogeologic assessment is required, it shall contain at least the following information:
  1. A map showing the basic soils types.
  2. The depth to the water table at representative points throughout the subdivision.
  3. Drainage conditions throughout the subdivision.
  4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
  5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen 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 waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision

boundaries.

- b. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
  - c. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
  - d. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
  - e. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
  - f. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.
2. Ground Water Quantity
- a. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
  - b. 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.

## **M. Flood Plain 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 with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may

enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

**N. Identification of Freshwater Wetlands**

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

**O. Storm Water Management**

1. For subdivisions that require a DEP review under the Site Location of Development Act (SLDA), a stormwater management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Stormwater Regulations.
2. For subdivisions that do not require a SLDA permit, but require a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500 Stormwater Regulations.
3. For subdivisions that neither require a SLDA permit, nor a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which incorporates Low Impact Development techniques on each individual lot.
4. The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a "Downstream Analysis" under conditions of the 10-year, 24-hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm, as described below:

**Downstream Analysis Methodology:**

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

**P. Reservation or Dedication and Maintenance of Open Areas or Common Area Facilities and Services**

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

- a. The owners of the lots by means of a lot-owners association; or
  - b. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition;
2. Further subdivision of the common areas or open areas and its use for other than non-commercial recreation, agriculture or conservation purposes, except for easements for underground utilities, shall be prohibited. Accessory structures to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than a homeowner's association, there shall be a conservation easement deeded to the municipality prohibiting future development.

For purposes of property taxation, assessed value of any common land shall be proportionately distributed as added value to each individual owner of lot(s) within the approved subdivision. This shall be noted on the deed for each lot.

3. The common land or space shall be shown on the Final Plan with appropriate notations on the plan to indicate that it shall not be used for future building lots.
4. All common areas shall be made accessible to the residents of the subdivision by means of frontage on an existing or proposed public road or where the above option isn't practical, a deeded right of way for purposes of foot access.

## **Q. Lots**

1. Wherever possible, side lot lines shall be perpendicular to the street.
2. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the Subdivision Statute, the standards of these regulations and conditions placed on the original approval.
3. If a lot on one side of a stream, tidal water, 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.
4. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
5. Lot dimensions and building setback lines shall meet the requirements of the Land-Use Ordinance for the district in which the subdivision is located.
6. Depth and width of properties received or laid out for all purposes shall be adequate to provide for the off-street service and parking facilities for vehicles required by the type of use and development

contemplated.

7. Corner lots shall be increased in size wherever necessary in order that any structure to be placed thereon shall conform to the minimum setback line of each street as required by the Land-Use Ordinance.
8. Side lots lines shall be substantially at right angles or radial to street lines.

#### **R. Monuments**

1. Stone or precast concrete monuments or iron stakes, shall be set adjacent to all street intersections and points of road curvature, but no further than 750 feet apart along street lines without curves or intersections.
2. One stone or precast concrete monument shall be set at a corner or angle point within the subdivision. Iron stakes shall be set at all other corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.
3. Stone or concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes, 1/2 inch deep shall locate the point or points described above.
4. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

#### **S. Mobile Home Parks and Mobile Home Subdivisions**

Except as stipulated in this subsection below, mobile home parks and mobile home subdivisions shall comply with all state laws and these regulations, and shall meet the submission requirements for subdivisions, as well as the development standards for subdivisions contained in this section.

##### **1. Lot Size, Width, and Density**

Lots in a mobile home park or subdivision shall meet the following lot size, width, and density requirements.

- a. Lots served by individual subsurface sewage disposal system  
  
Minimum lot area 20,000 sq. ft.  
Minimum lot width 80 feet
- b. Lots served by a central subsurface wastewater disposal system  
  
Minimum lot area 12,000 sq. ft.  
Minimum lot width 65 feet

- c. The overall density of a mobile home park subdivision served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area.
- d. Lots within the shoreland zone as defined shall meet the lot area, lot width, setback, and shore frontage requirements for that district or use.
- e. In calculating the overall density of the mobile home park or subdivision the area used shall be the combined area of its mobile home lots plus:
  - 1. The area for road rights-of-way;
  - 2. The area required for buffer strips, if any;
  - 3. The area within the municipality's shoreland zone area setback for principal and accessory structures.

## 2. Lot Setbacks

Mobile homes in a mobile home park or subdivision but adjacent to a public road shall be set back from the road a distance equal to the setback requirements for other residential developments.

- a. The following lot setbacks shall apply to all homes and accessory buildings:

Front setback: 20 feet  
 Side setback: 20 feet  
 Rear setback: 10 feet

If these requirements conflict with the requirements of the Shoreland Zone, the stricter standards shall apply. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to residential dwelling units.

- b. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 20 feet is maintained between units for the purpose of providing more usable yard space on one side of the home.

- c. Distance Between Homes

A minimum 20 foot separation shall be maintained between all manufactured homes in all directions.

## 3. Lot Coverage

All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

## 4. Ownership

Where a developer elects to create a mobile home park where all land is under one ownership, the park plan shall show lots and the development shall demonstrate that the development standards described herein are met.

5. Road Standards

- a. Privately owned roads within the mobile home park or subdivision shall be designed and built according to the road standards developed by the Manufactured Housing Board.
- b. Privately owned roads within the mobile home park or subdivision shall have a minimum right-of-way of 23 feet, of which 20 feet shall be paved.
- c. Roads within mobile home parks or subdivisions which are to be offered for acceptance to the town shall meet the minimum road standards of subsection T of these regulations.
- d. Mobile home park roads which intersect with public roads shall meet the following standards:
  1. Angle of intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
  2. Grade. Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.
  3. Minimum sight distance. The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of object 4 1/4 feet. Where necessary, the park land bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.
  4. Distance from other intersections. The centerline of any street within a park intersecting an existing public street shall be at least 125 feet from the centerline of any other street intersecting that public street.

6. Buffer Strips

- a. A 50 ft. wide buffer strip shall be provided along all property boundaries that:
  1. Abut residential land which has a gross density of one half or less of that proposed in the park, or
  2. Abut residential land that has lot size requirements at a density of one half or less of that proposed in the park.

Further, no structures, streets or utilities may be placed in the buffer strip except that they may cross



a buffer strip to provide services to the park. Lots may extend into the buffer strip.

- b. Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view from the adjacent property and shall be maintained throughout the life of the project.

- 7. No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirement of the district in which it is located.

#### **T. 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.

#### **U. Easement for Natural Drainage Ways and Utilities**

Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be conveyed to the town if requested, a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, as will assure to the extent possible that all storm water can be disposed of properly. Easements for sewer and water line affecting the subdivision shall be provided where necessary and shall be at least twenty (20) feet wide.

### **Section 8-107. Enforcement & Inspections**

#### **A. Inspection of Required Improvements**

- 1. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
  - a. Notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the inspection can be made

in accordance with these regulations to assure that all municipal specifications, requirements, and conditions of approval shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities as required by the Board.

- b. Deposit with the Municipal Officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If, upon satisfactory completion of construction and cleanup, there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.
2. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Board, and the subdivider and builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.
3. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.
4. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the Municipal Officers.
5. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or their control is placed with a lot owners association.

**B. Violations and Enforcement**

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 Board in accordance with this ordinance.
2. A person, shall not convey, offer or agree to convey any land in a subdivision which is not shown on the plan as a separate lot.

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 require a plan approved as provided in this ordinance and recorded in the Registry of Deeds.
6. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

#### **Section 8-108 Penalty**

Whoever violates any provision of these regulations shall, upon conviction, be punished in accordance with the laws of the State of Maine, specifically by a fine of not less than one hundred dollars (\$100.00) and not more than two thousand five hundred dollars (\$2,500.00), Title 30-A, MRSA, Section 4452, as amended. Each day non-conformance with any such provision shall constitute a new and separate offense.

#### **Section 8-109 Waivers**

- A. Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in this ordinance, provided the applicant has demonstrated that the performance standards of this ordinance and the criteria of the Subdivision Statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or this ordinance.
- B. Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or these regulations and the criteria of the Subdivision Statute have been or will be met by the proposed subdivision.
- C. In granting waivers in accordance with Section A and B above, the Planning Board shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so varied, waived or modified.

- D. When the Board grants a waiver to any of the improvements required by this ordinance, the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

## **Section 8-110 Performance Guarantees**

### **A. Types of Guarantees**

With submittal of the application for Final Plan approval, the planning board may require the subdivider to provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

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

### **B. Contents of Guarantee**

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

### **C. Escrow Account**

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

### **D. Performance Bond**

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The

bond documents shall specifically reference the subdivision for which approval is sought.

E. Letter of Credit

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

F. Phasing of Development

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

G. Release of Guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Code Enforcement Officer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

H. Default

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

I. Improvements Guaranteed

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

### **Section 8-111 Appeal**

An appeal may be taken within thirty (30) days from a decision of the Planning Board to the Trenton Board of Appeals in accordance with Title 30 MRSA, Section 2411, as amended.

### **Section 8-112 Severability**

If any provision of these regulations is held to be invalid for any reason, such invalidity shall not affect the remaining provisions of these regulations which shall remain in force and effect.

**Section 8-113 Amendments**

- A. These regulations may be amended by:
  - 1. The Legislative Body of the Town of Trenton.
  - 2. The Planning Board if the Legislative Body has not adopted or amended the standards.
- B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

**Section 8-114 Adoption**

These regulations shall take effect upon adoption by a majority of the Planning Board.

# **APPENDIX I:**

## **Roads and Transportation Tables**

<b>Table 1: Minimum Sight Distance Standards for Subdivision Accesses</b>			
<b>Posted Speed (MPH)</b>	<b>Sight Distance Standard Vehicles (Feet)</b>	<b>Sight Distance Larger Vehicles (Feet)</b>	<b>Mobility Sight of Distance (Feet)</b>
20	155	230	Not applicable
25	200	300	Not applicable
30	250	375	Not applicable
35	305	455	Not applicable
40	360	540	580
45	425	635	710
50	495	740	840
55	570	855	990
60	645	965	1,150
<b>Source:</b>			



Table 2: Street Guideli

Category	Low Volume						Medium Volume						High Volume					
	1-50 ADT						50-100 ADT						100-400 ADT					
Volume	R	V/U	I/C	R	V/U	I/C	R	V/U	I/C	R	V/U	I/C	R	V/U	I/C	R	V/U	I/C
Pattern	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
um Right	14'	16'	16'	18'	18'	18'	18'	18'	20'	28'	18'	20'	20'	22'	30'	22'	24'	30'
ed Way	0'	0'	4'	0'	1'	2'	2'	1'	2'	2'	2'	2'	3'	4'	5'	3'	4'	5'
er Width	7'	7'	7'	7'	7'	7'	7'	7'	7'	7'	8'	8'	8'	8'	8'	8'	8'	8'
side)*	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'
Zone Width	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
al	8%	8%	5%	8%	8%	5%	8%	8%	8%	5%	6%	6%	6%	6%	5%	5%	5%	5%
ance**	100'	100'	350'	100'	100'	350'	100'	100'	100'	350'	140'	140'	140'	140'	350'	350'	350'	350'
um Grade	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft	2.5"/ft
ntage %)	5"/ft	N/A	N/A	5"/ft	N/A	N/A	5"/ft	N/A	N/A	N/A	5"/ft	N/A	N/A	N/A	N/A	5"/ft	N/A	N/A
um	155'	155'	230'	155'	155'	230'	155'	155'	155'	230'	155'	155'	155'	155'	230'	155'	155'	230'
al Sight	25'	25'	40'	25'	25'	40'	25'	25'	25'	40'	25'	25'	25'	25'	40'	25'	25'	40'
al Spacing	30'	30'	75'	30'	30'	75'	30'	30'	30'	75'	30'	30'	30'	30'	75'	30'	30'	75'
al Access to																		
Corner																		
ance																		
**																		
ce:																		

\*The Board may require an increase in shoulder width for stormwater management purposes or road stabilization.

\*\*The minimum vertical clearance is the vertical clearance over the entire roadway width, including any shoulders.

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

\*\*\*\*Superelevation is not recommended for any subdivision street, unless recommended by Town engineer or Town-hired consultant.

\*\*\*\*\*Internal spacing distances are measured from the edge of one internal subdivision access to another, excluding curb radii.

\*\*\*\*\*Internal access to street corner clearances are measured from the edge of an internal subdivision access to an intersecting public road, excluding curb radii.

<b>Table 3: Minimum Pavement Materials Thickness</b>	
Street Materials	Thickness Standards
<b>Aggregate Subbase Course</b> (Max. sized stone 6")	
Without Base Gravel	18"
With Base Gravel	15"
<b>Crushed Aggregate Base Course</b> (if necessary)	3"
<b>Hot Bituminous Pavement</b> Total Thickness	3"
Surface Course	1 1/4 "
Base Course	1 3/4 "
<b>Source:</b>	

<b>Table 4:</b> <b>Aggregate Subbase Grading Requirements</b>	
Sieve Designation Sieves	Percentage by Weight Passing Square Mesh
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%
<b>Source:</b>	

<b>Table 5:</b> <b>Base Course Grading Requirements</b>	
Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%
<b>Source:</b>	





