

**TOWN OF
NEW SHARON**

**SUBDIVISION
ORDINANCE**

MARCH 3, 2007

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TOWN OF NEW SHARON SUBDIVISION ORDINANCE

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TOWN OF NEW SHARON SUBDIVISION ORDINANCE

Section I. Purpose:

- A. The purpose of these subdivision Ordinance provisions shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, and to provide for the orderly development of a sound and stable community. The Ordinance provisions also have the purpose of providing a process by which the residents of New Sharon and others can evaluate the impact of the subdivision as well as providing a clear procedure which applicants for subdivision permits shall follow.

Section II. Authority, Applicability and Administration:

A. Authority

1. These Ordinance provisions are adopted pursuant to and consistent with Title 30-A, M.R.S.A., Section 4401-4407, and as hereafter amended.
2. These Ordinance provisions shall be known and cited as the "Town of New Sharon Subdivision Ordinance".

B. Applicability and Administration

1. This Ordinance repeals and replaces the Street Construction Ordinance and the Subdivision Regulations of the Town of New Sharon. Its effective date shall be March 3, 2007.
2. The Planning Board for the Town of New Sharon shall administer these Ordinance provisions.
3. The provisions of this Ordinance shall apply to all land and all structures of all proposed subdivisions, as defined, located in the Town of New Sharon.
4. No subdivision (as defined herein) shall be permitted, except within the provisions and standards of this Ordinance. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration any land or structure(s) requiring approval as a subdivision, before applying for and receiving subdivision approval.

5. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or conflicts with or is inconsistent with any other ordinance, regulation, or standard, the more restrictive provision shall apply.

Section III. Definitions:

- A. Private Street: A street not owned or maintained by the town and not intended to be dedicated as a town way.
- B. Subdivision: A subdivision shall mean the division of a tract or parcel of land as defined in Title 30-A, M.R.S.A., Section 4401 and as hereafter amended. The term subdivision shall in accordance with State law, also include such developments as mobile home parks, multiple family dwelling(s), condominiums, and division of commercial and industrial properties where there are three or more units involved. Note: M.R.S.A. Title 12, Sec. 402 & Title 38, Sec. 480-P re: outstanding river segments.
- C. Street: Public and private ways such as alleys, avenues, boulevards, highways, and roads constructed to serve three or more dwelling units or a commercial or industrial area.
- D. Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality.
- E. Collector Street: A street servicing at least fifteen lots or dwelling units, or street which serve as feeders to arterial streets, and collectors of traffic from minor streets.
- F. Industrial or Commercial Street: A street servicing industrial or commercial uses.
- G. Minor Street: A street servicing less than fifteen lots or dwelling units.
- H. Reconstructed: Reconstructed means the rebuilding of a road or section of a road to improve its serviceability.
- I. Repair: Repair means to take necessary action to fix normal damage or storm damage.
- J. Reverse Frontage Street: A street which provides residential frontage other than that on a through traffic street.

Section IV. Procedures for Review of Subdivision Applications:

A. Submission of Application

1. Prior to submitting a Subdivision Application, the applicant or his authorized agent is encouraged to appear informally at a regular or special meeting of the Planning Board to discuss the proposed subdivision. At this meeting, the applicant should present a sketch plan of the proposed subdivision. The sketch plan may be a free hand, penciled sketch of the parcel, consisting of a rough outline showing the proposed layout of the streets, lots and other pertinent features. No binding commitments shall be made between the Board and the applicant at this meeting. The purpose of the preapplication meeting shall be to understand what is proposed and what is acceptable and for the Planning Board to determine which items listed under Section V. shall be included in the Subdivision Application.
2. When an application is received, the municipal reviewing authority shall give a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision, and the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including a general description of the project.
3. Within 30 days after receiving an application, the municipal reviewing authority shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.
4. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.
5. The application shall be accompanied by a fee of \$50 per lot or unit. All checks shall be payable to the Town of New Sharon.
6. A review escrow account equal to 2% of the estimated project cost or the estimated cost of any consultant or additional studies shall be deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall

specify the purpose for the proposed expenditures. Those monies deposited by the developer and not spent by the Planning Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application. The applicant shall place additional funds into the escrow account to meet expenses.

7. Site Inspections:

1. The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the sketch plan meeting or at another time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.
2. The Planning Board may vote to reschedule the site visit and delay its review of the subdivision application whenever it finds that snow cover prohibits viewing the land features of the proposed site.
3. The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not discuss the merits of the application or render any decision concerning the application during the site inspection.

B. Public Hearing

1. The decision to hold a public hearing is discretionary, and in making its decision, the Planning Board may consider the size and type of subdivision, the community impact, and whether any written requests for such a hearing have been received. In the event that the Planning Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within 30 days of having notified the applicant that a complete subdivision application has been received. Notice of the date, time and place of such hearing shall be given to the subdivider, and published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located at least two times; the date of the first publication shall be at least seven (7) days prior to the hearing. The subdivider shall notify, by certified or registered mail, all property owners within one thousand (1,000) feet of the boundaries of the proposed subdivision. Public hearings shall be conducted in accordance with the procedures in Title 30-A,

M.R.S.A., Section 4403, Subsection 4.

C. Planning Board Decision on the Subdivision

1. Complete Application: Within thirty (30) days from the date of receipt, the Board shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Ordinance.
2. The Planning Board shall, within 30 days of a public hearing or within 60 days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, issue an order denying or granting approval of the proposed subdivision, or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these Ordinance provisions and in Title 30-A, M.R.S.A., Section 4404, and to preserve the public's health, safety, and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Planning Board shall make a written finding of fact establishing that the proposed subdivision does or does not meet the provisions of these Ordinance provisions and Title 30-A, M.R.S.A., Section 4404.
3. Upon approval of the subdivision, a majority of the Board shall sign five copies of the subdivision plan. The original shall be filed by the subdivider with the County Registry of Deeds. Two copies shall be retained by the subdivider, one copy shall be retained by the Planning Board, and one copy shall be filed with the Selectmen. The Planning Board shall maintain a permanent record of their action on the subdivision plan.

Section V. Required Information:

- A. The Subdivision Application shall consist of an application form and subdivision plan. The application form shall be furnished by the Planning Board and shall include all of the following information unless the Board has determined at a preapplication meeting with the applicant that only certain items shall be required. In that case, at the preapplication meeting, the Board shall check off the items required.

Information on the Applicant

1. Name of Owner.
2. Name of Applicant (if other than owner).
3. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
4. Name of Applicant's authorized representative.
5. Name, address and number of Registered Professional Engineer, Land Surveyor, or Planner who prepared the plan.
6. Address to which all correspondence from the Planning Board should be sent.
7. What interest does the Applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)?
8. What interest does the applicant have in any property abutting the parcel to be subdivided?
9. State whether the subdivision covers the entire or contiguous holdings of applicant or not.

B. Information on Parcel to be Subdivided

1. Location of property: Book and page (from Register of Deeds).
2. Location of property: Map and lot (from Assessor's Office).
3. Map survey of tract to be subdivided, certified by a Registered Land Surveyor, tied to established reference points (attached to application form).
4. Acreage of parcel to be subdivided.
5. A soils report prepared by a Licensed Site Evaluator, identifying soil types and location of soil test areas. Based on soil test results, certain modifications of the subdivision may be required (attach copy of soils report to application). There shall be at least one soil test per lot.
6. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided (show on plat).
7. Indicate the nature of any restrictive covenants to be placed on the deeds.

- C. The subdivision plan shall be a map survey of the tract to be subdivided, certified by a Registered Land surveyor and tied to established reference points. The plan shall not be less than 18" by 24" and shall be drawn to a scale of not greater than 1" equal to 100' nor less than 1" equals 400' with contour lines to be specified by the board. At least nine (9) copies of the plan shall be provided.

Information on the Subdivision Plan

1. Proposed name of subdivision.
2. Lot numbers.
3. Date, north point, graphic map scale (show on plat).
4. Proposed lot lines with appropriate dimensions and suggested locations of buildings, subsurface sewage disposal systems, and wells (show on plat).
5. Location of permanent or temporary markers adequately located to enable the Planning Board to locate lots readily and appraise the basic lot layout in the field (show on plat).
6. Location of all parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved (show on plat).
7. A location map, consisting of a U.S.G.S. Topographical Map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within 2,000 feet of any property line of the proposed subdivision (attach to plan).
8. Location and size of existing buildings, watercourses, and other essential existing physical features (show on plat).
9. Location and size of any existing sewers and water mains, and culverts and drains, (show on plat).
10. Location, names and widths of existing and proposed streets, highways, easements, building lines, right-of-ways, parks, and other public open spaces; and lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings of all streets or other proposed public ways proposed by the subdivider, (show on plat).
11. Contour lines at intervals of either 5, 10, or 20 feet in elevation, as specified by the Planning Board, (show on plat).
12. Typical cross-sections of proposed grading for roadways, sidewalks, and storm drainage facilities, (attach to plan).
13. A soil erosion and sediment control plan for construction and for permanent control, (attach to plan).
14. Suitable space to record on the approval plat plan the date and conditions of approval, if any. This space shall be similar to the following example:

Approved Town of
Signed

Planning Board
Chairman
(space for all
members to sign)

Date
Conditions

D. Accompanying Documents

1. Statement of financial and technical capability.
2. Statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds as outlined in Section VI. G.
3. Statement from the Sewer and /or Water District or company that they will permit connection into the sewer or water district system.
4. A statement indicating how the solid waste from the subdivision will be handled.
5. Indicate how all roads and other public improvements will be maintained over their lifespan.
6. Streets or driveways that access onto a State Road shall comply with all applicable Maine Department of Transportation (MDOT) design requirements. The applicant shall submit a permit from MDOT for the road access.
7. Other information not indicated above, as specified by the Planning Board on the application.

Section VI. General Requirements:

- A. Buffer Strip – The Planning Board may require a buffer strip, such as natural vegetation, when the proposed subdivision will be located adjacent to a use where separation is desirable.
- B. Basement Drainage – If lots are being created to accommodate structures with basements, the subdivider shall show that the basement can be drained by gravity to the ground surface, or storm sewers, if they are required to be installed or that the seasonal high water table is below the level of the basement.
- C. Conformance with other Laws, Ordinance provisions – The proposed subdivision shall be in conformance with all pertinent local, State, and Federal ordinances, statutes, laws and Ordinance provisions. If the proposed subdivision meets the definition of a subdivision as defined in the Site Location Act, Title 38, M.R.S.A., Section 482, the Subdivider must secure the concurrent approval of the Board of Environmental Protection and the Town Planning board before any construction activity may begin in the subdivision.
- D. Construction Prohibited – No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the subdivision until the subdivision application has been prepared, submitted, reviewed, approved, and endorsed as provided for by

these Ordinance provisions, nor until an attested copy of the plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds. Plans for road construction, grading and ditching should be reviewed by the Road Commissioner for his recommendations prior to Planning Board Approval.

- E. Ditches, Catch Basins – The Planning Board may require the installation of ditches, catch basins, piping systems, and other appurtenances for the conveyance, control, or disposal of surface waters. Adequate drainage shall be provided so as to reduce the danger of flooding and erosion.
- F. Easements – The Planning Board may require easements for sewerage, drainage, or other utilities.
- G. Fire Protection:
 - 1. The Applicant shall design the subdivision so that the Town of New Sharon Fire Department shall have unrestricted access to all developed areas within the subdivision and the applicant shall arrange for a supply of water for fire suppression. The applicant shall review the proposed subdivision with the Fire Chief and shall obtain a written statement from the Fire Chief approving the plans fire protection measures. This statement shall be submitted with the application.
 - 2. The Fire Chief in making his/her determination that adequate provisions are made for fire protection shall consider the following:
 - a. The road is adequate for the passage of fire equipment
 - b. An adequate water supply is available near or within the subdivision to serve the density of the development.

The Fire Chief shall approve the fire protection measures proposed for the subdivision or shall make specific recommendations to improve the fire protection measures. In making recommendations, the Fire Chief may recommend the installation of the fire ponds or other similar features.

- H. Guidelines for Reviewing Subdivisions in Subdivision Law – In reviewing any proposed subdivision, the Planning Board shall consider the criteria set forth in the Guidelines contained in the Subdivision Law, Title 30-A, M.R.S.A., Section 4404, as amended, which are attached as Appendix A and Appendix B to these Ordinance provisions, and before granting approval shall determine

that they have been or will be met. The burden of proof shall be upon the applicant.

I. Lots and Density

1. The lot size, width, depth, shape and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Where on-site sewage disposal systems are to be utilized, all such systems must be in conformance with the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241.
3. For cluster developments, overall net density shall not be greater than the density that would result from the creation of individual, non-clustered lots. Such densities shall be calculated by dividing the total acreage within the subdivision (including open spaces or common recreational areas) by the number of proposed units.

J. Land not Suitable for Development – The Planning Board shall not approve such portions of any proposed subdivisions that are located on land within 100 year frequency floods plain, or on land which must be filled or drained or on land created by diverting a water course. In no instance shall the Board approve any part of a subdivision located on filled or drained Great Ponds.

K. Open Space Provisions

1. The Planning Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas.
2. Where the proposed subdivision abuts a lake, pond, river or perennial stream, the Planning board may require, where feasible and appropriate, that the subdivider reserve an area of land abutting the waterbody or water course as an open space and/or recreational area for use by property owners in the subdivision. The instruments of conveyance (deeds) from the subdivider to the property owner in the subdivision shall provide for an access right of way to this reserved land. The cost of maintenance and development of the reserved land shall be

borne by the property owners of the subdivision.

- a. The property owners may enter into a written agreement with the Selectmen for the recreational development and maintenance of the reserved land, but all costs of development and maintenance shall be borne by the property owners of the subdivision in the appropriate manner, which may include attaching to the property tax assessment bill a separate item for cost of development and/or maintenance for the designated reserved land. If this method is employed, recreational development and maintenance costs shall be prorated among the property owners of the subdivision based upon assessed valuation.
- b. The manner of providing for the cost of recreational development and/or maintenance of the reserved open space shall be included in the instrument of conveyance to each property owner of the subdivision.

L. Performance Guarantee:

1. A performance guarantee shall be required for all public and private improvements proposed for the subdivision. The applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan.
2. The performance guarantee shall include one of the following as determined by the Planning Board:
 - a. A certified check, in an amount equal to the expense of installing the public improvements, made payable to the Town.
 - b. A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the Town, issued by a surety company.
 - c. A conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements. A phase development plan may be incorporated into the conditional agreement.
 - d. An irrevocable letter of credit from a bank or other lending institution which 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.

3. The Planning Board, prior to approval of the final plan, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen may recommend that the amount of the certified check or performance bond or the terms of the performance guarantees be amended or revised. The Planning Board shall consider the recommendation of the Selectmen and decide on the contents of the performance guarantee.
 4. Prior to the release of the performance guarantee, the Planning Board shall determine that the proposed improvements meet or exceed the design and construction requirements specified in this Ordinance and the subdivision plans. The Planning Board shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspector.
 5. If, the Planning Board, Code Enforcement Officer, or other designated inspection official finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.
- M. Plan Revisions After Approval – No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the plan is first re-submitted and the Planning Board approves any modifications. In the event that the subdivision plan is recorded without complying with this requirement, the plan shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken from the records of the Selectmen and the Registry of Deeds.

Section VII. Subdivision with Proposed Streets:

- A. Street Design and Construction – All streets and roads proposed as part of a subdivision shall be designed and constructed at the subdivider's expense in accordance with the street design standards of this section.

- B. The street design standards of this ordinance shall apply to the design and construction of all new streets proposed as part of a subdivision. No street shall be accepted as a town way unless it meets the requirements of this Ordinance.
- C. Higher Design and Construction Standard: Nothing in this Ordinance shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods or higher quality materials.
- D. The Planning Board shall consult with the Selectmen and Road Commissioner in reviewing the proposed streets.
- E. Additional Submission Requirements:
 - 1. A statement of any legal encumbrances on the land upon which the proposed street is to be located;
 - 2. The anticipated starting and completion dates of each major phase of street construction; and
 - 3. A statement indicating the nature and volume of traffic expressed in Average Daily Traffic expected to use the proposed street.
- F. Street Plans: The plans and Illustrations submitted as part of the application shall be prepared by a Registered Land Surveyor or Professional Engineer to include the following information.
 - 1. The scale of the plan. (All streets and roadway plan and profile drawings shall be drawn to a scale 1" = 50' horizontal and 1" = 10' vertical);
 - 2. The direction of magnetic north;
 - 3. A plan profile and typical cross section views of all proposed streets;
 - 4. The starting and ending point with relation to established roads, streets or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment shall be identified by survey stationing.);

5. The roadway and roadway limits with relation to existing buildings and established landmarks;
6. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lines;
7. The lots, if any, as laid out and numbered on said street, showing the names of all owners of abutting property;
8. All natural waterways and watercourses in or on land contiguous to the said streets or ways;
9. The kind, size, location, profile and cross section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways;
10. A soil erosion and sedimentation control plan showing interim and final control provisions;
11. Curve data for all horizontal and vertical curves shall be the center line radius, arc length, beginning of curve and end of curve points;
12. All center line gradients shall be shown and expressed as a percent;
13. All curve and property line radii of intersections;
14. The limits and location of any proposed sidewalks and curbing;
15. The location of all existing and proposed overhead and underground utilities, to include, but not limited to, the following: (Note: When a location, in the case of any underground utility, is an approximate, it shall be noted on the plan as such.)
 - a. Storm drains;
 - b. Telephone line poles or underground vaults;
 - c. Electrical power line poles or underground vaults;
 - d. Street lights.
16. The name(s) of each proposed new road or street.

- G. Upon receipt of plans for a proposed street, the Board shall forward one copy to the Municipal Officers and one copy to the Road Commissioner for review and comment.
- H. Public Acceptance of Streets - The approval by the Planning Board of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the Municipality of the street. Final acceptance of a proposed public street shall be by an affirmative vote at a Town Meeting.
- I. Street Design Standards:
 - a. These design standards shall be met by all streets and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
 - b. Streets shall be designed to discourage through traffic within a residential subdivision.
 - c. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.
 - d. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this Ordinance), 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.
 - e. Where a major subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the plan and in the deeds of any lot with frontage on the arterial street.
 - f. Any street serving 15 dwelling units 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.

g. The following design standards apply according to street classification:

All Streets Public or Private

Types of Streets

<u>Description</u>	<u>Collector</u>	<u>Minor</u>	<u>Mobile Home Park</u>
Minimum right-of-way width	50'	50'	50'
Minimum pavement width/travelway width	24'	20'	20-24'
Sidewalk width (when required)	5'	5'	5'
Minimum grade	0.5%	0.5%	0.5%
Maximum grade	6%	6%	6%
Minimum centerline radius	200'	150'	150'
Minimum tangent between curves of reverse alignment	200'	100'	100'
Roadway crown	¼"/ft.	¼"/ft.	¼"/ft.
Minimum angle of street intersections	90°	90°	90°
Maximum grade within 75 ft. of intersection	2%	2%	2%
Minimum curb radii at intersections	30'	20'	26'
Minimum r/o/w radii at intersections	20'	10'	10'
Minimum width of shoulders (each side)	3'	3'	3'

- h. The centerline of the roadway shall be the centerline of the right-of-way.
- i. Deadend Streets: In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii. Property line 65 ft.; outer edge of pavement 50 ft. The Board may require the reservation of a 20 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 60 foot easement in line with the street to provide continuation of the roads where future subdivision is possible.
- j. Grades, Intersections, and Sight Distances
 - a. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
 - b. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.
 - c. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.

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

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

- d. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 600' shall be maintained between centerlines of side streets.

k. Sidewalks: Where the Planning Board requires the installation of sidewalks, they shall meet these minimum requirements.

a. Bituminous Sidewalks

- i. The gravel aggregate sub-base course shall be no less than 12 inches thick.
- ii. The crushed aggregate base course shall be no less than 2 inches thick.
- iii. The hot bituminous pavement surface course shall be no less than 2 inches after compaction.

b. Portland Cement Concrete Sidewalks

- i. The sand base shall be not less than 6 inches thick.
- ii. The Portland Cement Concrete shall be reinforced with 6 inch square, number 10 wire mesh and shall be no less than 4 inches thick.

J. Street Construction Standards

a. Minimum thickness of material after compaction

Minimum Requirements

Public or Private Streets

<u>Description</u>	<u>Collector</u>	<u>Minor</u>	Mobile Home <u>Park</u>
Geotextile Cloth Required	Yes	Yes	Yes
Aggregate sub-base course (max. sized stone 6")	24"	18"	18"

<u>Description</u>	<u>Collector</u>	<u>Minor</u>	<u>Mobile Home Park</u>
Base Course (max. sized stone 3")	3"	3"	3"
Hot Bituminous Pavement			
Total Thickness	2 1/2"	2 1/2"	2 1/2"
Surface Course	3/4"	3/4"	3/4"
Base Course	1 3/4"	1 3/4"	1 3/4"

2. Preparation

- a. Before any clearing has started on the right-of-way, the centerline and side lines of the new road shall be staked or flagged at 50 foot intervals.
- b. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.
- c. All organic materials shall be removed to a depth of 2 feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of 2 feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting specifications for gravel aggregate sub-base below.
- d. Side slopes shall be no steeper than a slope of 3 feet horizontal to 1 foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.
- e. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

3. Bases and Pavement.

a. Bases

- i. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. Aggregate for the sub-base shall contain no particles of rock exceeding six inches in any dimension. Gravel sub-base materials shall be as specified in Appendix C.
- ii. The Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. Aggregate for the sub-base shall contain no particles of rock exceeding three inches in any dimension. Gravel base course shall be as specified in Appendix D.

b. Bituminous Pavement Joints. Bituminous pavement shall be as specified in Appendix E. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.

c. Curbs and Gutters

- i. Street curbs and gutters shall be installed as required by the Board.
- ii. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

K. Additional Improvements and Requirements

- 1. The road providing access to the development and any other road that can be expected to carry traffic for the subdivision shall have an adequate traffic carrying capacity to accommodate the proposed use. The road shall be improved as necessary to accommodate the traffic requirements of the subdivision. All necessary improvements shall be made at the expense of the subdivider.
- 2. All roads and other public improvement that are not dedicated to the Town or during such time prior to the actual acceptance by the Town of New Sharon shall be maintained by the subdivision owners or developer. A legal agreement indicating how the infrastructure will be maintained shall be submitted to the

Planning Board with the preliminary plan. The Planning Board shall review the maintenance plan to ensure that sufficient provisions have been incorporated to maintain all improvements for the applicable time period.

3. Erosion Control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
4. 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.
5. 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 resemblances 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 shall be installed as approved by the Board.
6. Private street(s) and other public and private improvements shall be maintained by the subdivision owners or developer. A legal instrument indicating how the infrastructure shall be maintained (e.g. through the creation of a lot owners association to own that infrastructure) shall be submitted to the Planning Board. The Planning Board shall review the agreement to ensure sufficient provisions have been made to maintain all improvements.
7. Privately-Owned Streets: Where streets are to remain privately-owned streets, the following words shall appear on the recorded plan.

"All streets shall remain private streets to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town"

L. Certification of Construction

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

SECTION VIII. Separability:

- A. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION IX. Conflict of Ordinances:

- A. These Ordinance provisions shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law. Where these Ordinance provisions impose a higher standard for the promotion and protection of health and safety, the provisions of this regulation shall prevail.

SECTION X. Inspection Requirements:

- A. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:
 - a. The Road Commissioner shall inspect all roads including roads to be considered for public acceptance and private roads and associated drainage systems. (All roads shall also be inspected by a professional engineer as per the road performance standards contained in this Ordinance)
 - b. The Local Plumbing Inspector shall inspect the installation of all subsurface waste water treatment systems.
 - c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.
 - d. The Planning Board shall assess the applicant a fee to cover the cost of construction inspection.
- B. The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer. The Code Enforcement Officer and all

other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exists and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the Planning Board and the Selectmen whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Planning Board and Selectmen.

SECTION XI. Enforcement:

- A. Code Enforcement Officer: It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this ordinance is being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notice shall be maintained as a permanent record.
- B. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.
- C. A person shall not convey, offer to convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- D. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
- E. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land, or lots, or construction of buildings, which require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.
- F. No lot in a subdivision may be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.
- G. Any violation of this Ordinance is a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. §4452.

- H. Legal Actions: When the above does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary, to enforce the provisions of this Ordinance in the name of the municipality.
- I. Fines: Any person who violates any of the provisions of this Ordinance after receiving notice of such violation shall be guilty of a civil violation, and, on conviction, shall be subject to a minimum fine of \$100 up to a maximum fine of \$2,500 for each violation, which fine shall be recovered on complaint to the use of the Town. Each day the violation exists shall be considered a separate violation. Such persons shall also be liable for court costs and attorney fees incurred by the municipality, and any other penalty and remedy available to the Town under Title 30-A, M.R.S.A. §4452.

Section XII. Waiver and Modification of These Ordinance provisions:

- A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these Ordinance provisions, or where there are special circumstances or unique features of a particular plan, it may waive any of these Ordinance provisions provided that such waiver will not have the effect of frustrating or nullifying the purpose of these Ordinance provisions, the Comprehensive Plan, the Shoreland Zoning Ordinance, or any other ordinance.
- B. In granting any waiver, the Planning Board shall require such conditions as will, in its judgments, secure substantially the objectives of the requirements so waived.

Section XIII. Effective Date:

- A. The effective date of these Ordinance provisions is March 3, 2007.

Section XIV. Amendments:

- A. The Ordinance provisions may be revised as per Title 30-A, M.R.S.A., Section 3004, Subsection 4.

Section XV. Appeals:

- A. An appeal may be taken within 30 days from the Planning Board's decision, or from the Code Enforcement Officer's decision, as applicable, by any aggrieved party to Superior Court.

APPENDIX A.

M.S.R.A. §4404. Review criteria

When adopting any subdivision Ordinance provisions and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that: [1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - A. The elevation of the land above sea level and its relation to the flood plains; [1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]
 - B. The nature of soils and subsoils and their ability to adequately support waste disposal; [1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]
 - C. The slope of the land and its effect on effluents; [1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]
 - D. The availability of streams for disposal of effluents; and [1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]
 - E. The applicable state and local health and water resource rules and Ordinance provisions; [1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]
[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]
2. **Sufficient water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]
3. **Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;
[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]
4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]
5. **Traffic.** The proposed subdivision will not cause unreasonable highway or

public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

[2001, c. 560, §1 (amd).]

- 6. Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new); c. 497, §8 (amd).]

- 7. Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new); c. 497, §8 (amd).]

- 8. Aesthetic, cultural and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new); c. 497, §8 (amd).]

- 9. Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]

- 10. Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section;

[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]

- 11. Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

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

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

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

[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new).]

[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new); c. 497, §8 (amd).]

- 12. Ground water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new); c. 429, §1 (amd); c. 497, §8 (amd).]

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

[1989, c. 104, Pt. A, §45 (new); Pt. C, §10 (new); c. 429, §1 (amd); c. 497, §8 (amd); c. 878, Pt. A, §85 (rpr).]

- 14. Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

[1989, c. 404, §2 (new); c. 429, §2 (new); c.497, §9 (new); c. 772, §3 (amd); c.

878, Pt. G, §5 (rpr).]

- 15. River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;

[1991, c. 838, §12 (amd).]

- 16. Storm water.** The proposed subdivision will provide for adequate storm water management;

[1991, c. 838, §12 (amd).]

- 17. Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

[1997, c. 226, §2 (amd).]

- 18. Lake phosphorus concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

[2003, c. 622, §2 (amd).]

- 19. Impact on adjoining municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

[2003, c. 622, §3 (amd).]

- 20. Lands subject to liquidation harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority 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. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title

32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority 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, 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. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

[2003, c. 622, §4 (new).]

- PL 1989, Ch. 104, §A45,C10 (NEW).
- PL 1989, Ch. 404, §2 (AMD).
- PL 1989, Ch. 429, §1,2 (AMD).
- PL 1989, Ch. 497, §8,9 (AMD).
- PL 1989, Ch. 762, §3,4 (AMD).
- PL 1989, Ch. 772, §3 (AMD).
- PL 1989, Ch. 878, §A85,86,G5 (AMD).
- PL 1991, Ch. 838, §12-14 (AMD).
- PL 1997, Ch. 226, §2-4 (AMD).
- PL 2001, Ch. 560, §1 (AMD).
- PL 2003, Ch. 622, §2-4 (AMD).

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APPENDIX B

Review Criteria:

The Planning Board shall consider the following criteria and before granting approval must determine that:

- A. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - ⇒ The elevation of the land above sea level and its relation to the floodplain,
 - ⇒ The nature of the soils and sub-soils and their ability to adequately support waste disposal,
 - ⇒ The slope of the land and its effect upon effluents, and,
 - ⇒ The applicable state and local health and water resource rules and Ordinance provisions.
- B. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.
- C. The proposed subdivision will not cause unreasonable burden on an existing municipal or private water supply, if one is to be used.
- D. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- E. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
- F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.
- G. The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are used.
- H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archaeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual

access to the shoreline.

- I. The proposed subdivision conforms with all the applicable standards and requirements of this Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.
- J. The subdivider has adequate financial and technical capacity to meet all the review criteria, standards, and requirements contained in this Ordinance.
- K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- M. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary 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 the lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- N. All fresh water wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent practicable.
- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams or brooks shall be protected from any adverse development impacts.
- P. The proposed subdivision will provide for adequate storm water management.

- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.
- R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- S. For any 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.

APPENDIX C

Gravel Sub-base Materials Specifications:

The gravel sub-base course shall be gravel of durable particles free from vegetative matter, lumps or balls of clay and other deleterious matter. The gradation of the part that passes a 3 inch square sieve shall meet the grading requirements below. The maximum stone size shall be 6 inches.

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE SIEVE
¼ inch	25-70%
No. 40	0-30%
No. 200	0-5%

APPENDIX D

Gravel Base Course Specifications:

The base course shall be crushed gravel or screened gravel of hard durable particles free from vegetative matter, lumps and balls of clay. The gradation of the part that passes a 3 inch square sieve shall meet the grading requirements below.

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE SIEVE
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

APPENDIX E

Bituminous Pavement Specifications:

The minimum standards for the base layer of pavement shall be MDOT specifications for plant mix grade "B" with an aggregate size of no more than $\frac{3}{4}$ inch maximum. The maximum standard for the surface layer of the pavement shall meet MDOT specifications for plant mix grade "C" or "D" with an aggregate size of no more than $\frac{1}{2}$ maximum.