

CHAPTER 6 - SUBDIVISION STANDARDS

601 Short Title - This Chapter shall be known and may be cited as the "Subdivision Standards for the Town of Poland, Maine."

602 Purposes and Applicability

602.1 Purposes - The purposes of this Chapter are:

- A. To provide for an expeditious and efficient process for the review of proposed Subdivisions;
- B. To clarify the approval criteria of the State Subdivision Law, found in Title 30-A, M.R.S.A. Section 4404;
- C. To assure that new development meets the goals and conforms to the policies of the Town of Poland Comprehensive Plan;
- D. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Poland;
- E. To protect the environment and conserve the natural and cultural resources identified in the Town of Poland Comprehensive Plan as important to the community;
- F. 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;
- G. To minimize the potential impacts from new Subdivisions on neighboring properties and on the Municipality; and
- H. To promote the development of an economically sound and stable community.

602.2 Applicability - The provisions of this Chapter shall pertain to all land and buildings proposed for Subdivision within the boundaries of the Town of Poland, Maine.

603 ADMINISTRATION

- A. The Planning Board of the Town of Poland, hereinafter called the Board, shall administer this Chapter.
- B. No person, firm, corporation or other legal entity may sell, lease, develop, offer or agree to sell, lease, develop, built upon or convey for consideration any land in a Subdivision which has not received Planning Board approval and been recorded in the Androscoggin County Registry of Deeds. No public utility, or any utility district or company of any kind shall install services to any lot in a Subdivision which has not received Board approval and then recorded in the Androscoggin County Registry of Deeds. A Subdivision Plan recorded without Board approval is void.

604 ADMINISTRATIVE PROCEDURES - In order to establish an orderly, equitable and expeditious procedure for reviewing Subdivisions and to avoid unnecessary delays in processing applications for Subdivision Review, the Board shall prepare a written agenda for each regularly scheduled meeting. Planning Board meetings shall be conducted in accordance with Chapter 2 of this Code.

- A. The agenda shall be prepared no less than one (1) week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the Municipal Office.
- B. Applicants shall request to be placed on the Board's agenda at least ten (10) days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer.
- C. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes.

D. The Board shall take no action on any application not appearing on the Board's written agenda.

605 PRE-APPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION

605.1 Purpose - The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed Subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

605.2 - Procedure

- A. The applicant shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed Subdivision.
- B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
- C. The date of the on-site inspection is selected.

605.3 Submissions - The Pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered, must be to scale, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. The applicant shall submit Sketch Plans of both a Traditional Subdivision layout and Cluster Subdivision. The Sketch Plans shall be accompanied by a written narrative of the advantages and disadvantages of both Subdivision techniques in relation to the particular site. Based on the written narratives, the policies of the Town of Poland Comprehensive Plan and Section 613.9.A the Planning Board shall within thirty (30) days of receipt of the Sketch Plans determine whether a Traditional Subdivision or Cluster Subdivision design will be required. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:¹³⁶

- A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed Subdivision unless the proposed Subdivision is less than ten acres in size.
- B. A copy of that portion of the county soil survey covering the proposed Subdivision, showing the outline of the proposed Subdivision.
- C. The Code Enforcement Officer or Designee shall send notification to all property owners within five hundred (500) feet of the edge of the applicant's property lines of the submission of the Sketch Plan. This notice shall indicate the time, date and place of the Planning Board's first consideration of the Sketch Plan. The notifications shall be mailed at least seven days prior to the scheduled meeting date.¹³⁷

605.4 Requirements for On-site Inspection - Within thirty (30) days of the Pre-application Meeting, the Board may hold an on-site Inspection of the property. When an on-site Inspection is conducted the following shall apply.

- A. The Board shall not conduct on-site Inspections when there is six (6) inches or more of snow.
- B. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site Inspection.
- C. Notice of such on-site Inspection shall be posted in the Municipal Office as required by Title 1, M.R.S.A. Section 406.
- D. The public is allowed to accompany the reviewing authority on such on-site Inspections as per Title 1, M.R.S.A. Section 401-410.
- E. At its next regular meeting following on-site Inspection, the Planning Board shall discuss the inspection and note

¹³⁶ Amended 4-30-2005

¹³⁷ Amended 04/05/2014

various features and conditions found.

605.5 Rights Not Vested - The Pre-application Meeting, the submittal or review of the Pre-application Sketch Plan or the on-site Inspection shall not be considered the initiation of the review process for the purposes of bringing the Plan under the protection of Title 1, M.R.S.A. Section 302.

606 MINOR SUBDIVISION

606.1 General - The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A, M.R.S.A. Section 4404, or the standards from Section 613 of this Chapter, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

606.2 Procedure

- A. Submittal of Application - Within six (6) months after the Pre-application Sketch Plan or on-site Inspection by the Board, the applicant shall submit an application for approval of a Final Plan for a Minor Subdivision at least ten (10) days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. Failure to submit the application within six (6) months shall require resubmission of the Pre-application Sketch Plan to the Board. This period may be extended for an additional thirty (30) day by mutual agreement of the Planning Board and applicant.¹³⁸

The Final Plan for a Minor Subdivision shall approximate the layout shown on the Pre-application Sketch Plan, and any recommendations made by the Board.

- B. Applicant Attendance for Presentation of Final Plan - The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the Final Plan for a Minor Subdivision. Failure to attend the meeting to present the Final Plan for a Minor Subdivision shall result in a delay of the Board's receipt of the Plan until the next meeting which the applicant is scheduled.
- C. Planning Board Responsibilities Upon Presentation of a Final Plan for a Minor Subdivision - At the meeting at which an application for Final Plan for a Minor Subdivision is initially presented, the Board shall:
1. Issue a dated receipt to the applicant.
 2. Notify in writing all owners of abutting property within five hundred feet (500') that an application for Subdivision approval has been submitted, specifying the location of the proposed Subdivision and including a general description of the project. Notification may be by regular mail.
 3. Notify the Clerk and the review authority of the neighboring Municipalities if any portion of the Subdivision abuts or crosses the Municipal boundary.¹³⁹
- D. Determination of Completeness of Final Plan for a Minor Subdivision - Within thirty (30) days of the receipt of the Final Plan for a Minor Subdivision, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application. Should the applicant not provide the specific additional material needed to complete the application within (6) six months of the date of the initial determination of an incomplete application the application shall become void. Upon written request by the applicant and approval by the Planning Board this time period may be extended by six (6) months.
- E. Notification of Applicant - Upon a determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of that determination. The Board shall determine whether to hold a Public Hearing on the Final Plan for a Minor Subdivision application.
- F. Public Hearing - If the Board decides to hold a Public Hearing, it shall:

¹³⁸ Amended 4-2-2016

¹³⁹ Amended 4-30-2005

1. Hold the hearing within thirty (30) days of determining that it has received a complete application.
 2. Publish a notice of the date, time and place of the Public Hearing in a newspaper of general circulation in the Municipality at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.
 3. Mail a copy of the notice to the applicant and abutters.
- G. Finding of Facts and Conclusions of Law - Within thirty (30) days from the Public Hearing or within sixty (60) days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A, M.R.S.A. Section 4404 and the standards of Sections 612 and 613. If the Board finds that all the criteria of the State Statute and the standards of Sections 612 and 613 have been met, they shall approve the Final Plan for a Minor Subdivision. If the Board finds that any of the criteria of the State Statute or the standards of Sections 612 and 613 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the Subdivision. The Board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval.
- H. Third-Party Consultants and Escrow - The Board shall establish the need for third-party review of the project by qualified consultants, and to establish the initial fees based on the Town's "Fee Schedule" for escrows to pay for their services.¹⁴⁰

606.3 Submissions - The application for Minor Subdivision approval shall consist of the following items.

- A. Application Form - A completed and signed Subdivision Application Form.
- B. Location Map - The location map shall be drawn at a size adequate to show the relationship of the proposed Subdivision to the adjacent properties, and to allow the Board to locate the Subdivision within the Municipality. The location map shall show:
 1. Existing subdivisions in the proximity of the proposed Subdivision.
 2. Locations and names of existing and proposed streets.
 3. Boundaries and designations of Zoning Districts.
 4. An outline of the proposed Subdivision and any remaining portion of the owner's property if the Plan submitted covers only a portion of the owner's entire contiguous holding.
- C. Final Plan for Minor Subdivision - The Final Plan for a Minor Subdivision shall consist of two (2) reproducible, stable-based transparent originals, one to be recorded at the Androscoggin County Registry of Deeds, the other to be filed at the Municipal Office and ten (10) copies and one (1) pdf copy of the application and plans or drawings drawn to a scale of not more than one (1) inch equals one hundred (100) feet. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. The Final Plan shall be also provided in digital form as specified by the Planning Board. The Plan to be recorded at the Androscoggin County Registry of Deeds shall follow the requirements of Title 33, M.R.S.A. Section 652.
- D. Application Requirements - The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds it necessary in order to determine whether the criteria of Title 30-A, M.R.S.A. Section 4404 and this Chapter are met. The Planning Board has the responsibility for making sure all eighteen (18) of the review criteria from the State Statute are met. Failure to submit information regarding anyone criterion therefore could result in a denial of the application.
 1. Proposed name of the Subdivision, or identifying title, and the name of the Municipality in which it is located, and the assessor's map and lot numbers.

¹⁴⁰ Added 4-7-2007

2. The name(s) and address(s) of the owner(s) of record, applicant, and individual or company who prepared the Plan. The adjoining property owners' names shall be shown. The Plan shall be embossed with the seal and signed by the State of Maine registered Professional Engineer or State of Maine registered Land Surveyor who prepared the Plan.
3. The date the Plan was prepared, magnetic north point, and graphic map scale.
4. The number of acres within the proposed Subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than twenty-four (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 existing vegetation.
5. The location of all rivers, streams and brooks within or adjacent to the proposed Subdivision. If any portion of the proposed Subdivision is located in the direct watershed of a Great Pond, the application shall indicate which Great Pond.
6. Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.
7. The zoning district in which the proposed Subdivision is located, the location of any zoning boundaries affecting the Subdivision and the uses proposed for the lots. ¹⁴¹
8. The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the Subdivision. The Plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.
9. Verification of right, title, or interest in the property.
10. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a State of Maine registered Land Surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The Plan shall indicate the type of monument found or to be set at each lot corner.
11. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
12. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the Subdivision.
13. An indication of the type of sewage disposal to be used in the Subdivision.
 - a. When sewage disposal is to be accomplished by Subsurface Wastewater Disposal Systems, Test Pit Analyses, prepared by a State of Maine Department of Human Services licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
14. An indication of the type of water supply system(s) to be used in the Subdivision.
 - a. When water is to be supplied by public water supply, a written statement from the servicing Water District shall be submitted indicating that there is adequate supply and pressure for the Subdivision and that the Water District approves the Plans for extensions where necessary. Where the Water District's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, and a written statement from the Water District approving the design of the extension shall be submitted.

¹⁴¹ Amended 4-04-2009

- b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
 - c. When a proposed Subdivision is to be served by a private central water system or will contain multi-family dwellings, evidence of adequate ground water quantity shall be required.¹⁴²
 - d. In areas where water supplies are not available for firefighting purposes, the applicant shall provide adequate water supply in accordance with the current National Fire Prevention Association Standards (NFPA) 1141 and 1142.¹⁷⁰
15. Wetland areas shall be identified on the Survey, regardless of size.
16. If the proposed Subdivision is in the direct watershed of a Great Pond, a Phosphorus Control Plan is required. If a Phosphorus Impact Analysis and Control Plan is required, the contour intervals must be no more than five (5) feet, the contours must be based on photogrammetric interpretation or field survey.
17. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
18. The location of any open space to be preserved and a description of proposed improvements and its management.
19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the Municipality, written evidence that the Municipal Officers have voted to recommend acceptance of the offer and that they are satisfied with the legal sufficiency of the written offer to convey title shall be included.
20. If any portion of the Subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Town of Poland Flood Insurance Rate Map, shall be delineated on the Plan.
21. A Hydrogeologic Assessment prepared by a State of Maine certified Geologist or State of Maine registered Professional Engineer, with expertise in Hydrogeology when the Subdivision is not served by public sewer; and
- a. Any part of the Subdivision is located over a sand and gravel aquifer, as shown on a map entitled (Gray, Mechanic Falls, Minot and Raymond Quadrangle Significant Sand and Gravel Aquifer Maps, published by the Maine Geological Survey, and as amended by the Board of Appeals).¹⁴³
 - b. The Subdivision has an average density of more than one (1) dwelling unit per one hundred thousand (100,000) sq. ft.
- The Board may require a Hydrogeologic Assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one (1) dwelling unit per one hundred thousand (100,000) sq. ft. but the density of the developed portion is in excess of one (1) dwelling unit per eighty thousand (80,000) sq. ft.; or proposed use of shared or common subsurface wastewater disposal systems.
- The Hydrogeologic Assessment shall be conducted in accordance with the provisions of Section 612.12, below.
22. A Storm Water Management Plan, prepared by a State of Maine registered Professional Engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the

¹⁴² Amended 9-24-2008¹⁴³ Amended 04/06/2013

Maine Department of Environmental Protection (2015 and as amended). The Board may not waive submission of the Storm Water Management Plan unless the Subdivision is not in the watershed of a Great Pond, the proposed Subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways are less than five percent (5%) of the area of the Subdivision, the Plan shall be reviewed by the Androscoggin Valley Soil and Water Conservation District.

23. An Erosion and Sedimentation Control Plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, (published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 2015 and as amended). The Board may not waive submission of the Erosion and Sedimentation Control Plan unless the Subdivision is not in the watershed of a Great Pond, the proposed Subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways are less than five percent (5%) of the area of the Subdivision.
 - a. A permit is required from the Maine Department of Environmental (DEP) for any activity which includes forty thousand (40,000) sq. ft. or more of impervious area, five (5) acre or more of disturb area and a permit will be required in some areas for development with twenty thousand (20,000) sq. ft. or more of impervious surface. The DEP will be applying both storm water quantity standards for all permits and quality standards for projects within the direct watershed of water bodies which are determined to be more sensitive.
24. 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 Town of Poland Comprehensive Plan. If any portion of the Subdivision is located within an area designated as a critical natural area by the Town of Poland Comprehensive Plan or the Maine Natural Areas Program, the Plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
25. All areas within or adjacent to the proposed Subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the latest available Town of Poland Comprehensive Plan as sensitive or likely to contain such sites.
26. The location and method of disposal for land clearing and construction debris. A permit is required from the DEP when the disposal site is within one hundred (100) feet of a resource protected by the Natural Resources Protection Act.
27. The location of scenic sites or vistas as identified in the Town of Poland Comprehensive Plan.
28. The location and nature of agricultural land abutting the Subdivision.
29. The location of known archaeological resources.
30. A statement of the applicant's technical and financial capacity to carry out the project as proposed.

607 PRELIMINARY PLAN FOR MAJOR SUBDIVISION

607.1 Procedure

- A. Submittal of Application - Within six (6) months after the Pre-application Sketch Plan or on-site Inspection by the Board, the applicant shall submit an application for approval of a Preliminary Plan for a Major Subdivision at least ten (10) days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. Failure to submit the application within six (6) months shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Pre-application Sketch Plan, and any recommendations made by the Board.¹⁴⁴
- B. Applicant Attendance for Presentation of Preliminary Plan - The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the Preliminary Plan. Failure to attend the meeting to present the

¹⁴⁴ Amended 4-2-2016

Preliminary Plan shall result in a delay of the Board's receipt of the Plan until the next meeting which the applicant attends.

- C. Planning Board Responsibilities Upon Presentation of Preliminary Plans - At the meeting at which an application for Preliminary Plan approval of a Major Subdivision is initially presented, the Board shall:
1. Issue a dated receipt to the applicant.
 2. Notify in writing all owners of abutting property that an application for Subdivision approval has been submitted, specifying the location of the proposed Subdivision and including a general description of the project.
 3. Notify the Clerk and the review authority of the neighboring Municipalities if any portion of the Subdivision abuts or crosses the Municipal boundary.
- D. Determination of Completeness of Preliminary Plan - Within thirty (30) days of the receipt of the Preliminary Plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application. Should the applicant not provide the specific additional material needed to complete the application within six (6) months of the date of the initial determination of an incomplete application the application shall become void. Upon written request by the applicant and approval by the Planning Board this time period may be extended by six (6) months.
- E. Notification of Applicant - Upon a determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of that determination.
- F. Public Hearing - If the Board decides to hold a Public Hearing, it shall:
1. Hold the Public Hearing within thirty (30) days of determining that it has received a complete application.
 2. Publish a notice of the date, time and place of the Public Hearing in a newspaper of general circulation in the Municipality at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.
 3. Mail a copy of the notice to the applicant and abutters.
- G. Finding of Facts and Conclusion of Law - Within thirty (30) days from the Public Hearing or within sixty (60) days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A, M.R.S.A. Section 4404 and the standards of Section 612 and 613. If the Board finds that all the criteria of Title 30-A, M.R.S.A. Section 4404 and the standards of Sections 612 and 613 have been met, they shall approve the Preliminary Plan. If the Board finds that any of the criteria of Title 30-A, M.R.S.A. Section 4404 or the standards of Sections 612 and 613 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the Subdivision. The Board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval.
- H. Requirements for Municipal Impact Comments - The applicant shall notify the Road Commissioner, School Superintendent, Police Chief, Fire Rescue Chief of the proposed Subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The applicant shall request that these Officials comment in writing as to the adequacy of these Municipal Departments' existing capital facilities to service the proposed Subdivision. The applicant shall use forms supplied by the Board and make this part of Preliminary Plan application. If the Planning Board, after a concurring vote of the Municipal Officers, makes a finding of unreasonable adverse impacts, the Planning Board, as a condition of approval, may require the applicant to make or pay for required upgraded Municipal Services necessitated by the development.

A proposed Subdivision that cannot be adequately served by Municipal Departments, at time of Final Plan presentation, shall be developed in phases to allow for the Municipalities expansion of capital facilities.

- I. Additional Requirements Preliminary to the Final Plan - When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
 - 1. The specific changes which it will require in the Final Plan;
 - 2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 - 3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the Final Plan.
- J. Approval of a Preliminary Plan - Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of Preliminary Plan approval, if any. Prior to the approval of the Final Plan, the Board may require that additional information be submitted and changes in the Plan be made as a result of further study of the proposed Subdivision or as a result of new information received.

607.2 Submissions - The Preliminary Plan application shall consist of the following items.

- A. Application Form - A completed and signed Subdivision Application Form.
- B. Location Map - The location map shall be drawn at a size adequate to show the relationship of the proposed Subdivision to the adjacent properties, and to allow the Board to locate the Subdivision within the Municipality. The location map shall show:
 - 1. Existing subdivisions in the proximity of the proposed Subdivision.
 - 2. Locations and names of existing and proposed streets.
 - 3. Boundaries and designations of zoning districts.
 - 4. An outline of the proposed Subdivision and any remaining portion of the owner's property if the Plan submitted covers only a portion of the owner's entire contiguous holding.
- C. Preliminary Plan - The Preliminary Plan for a Major Subdivision shall consist of ten (10) copies and one (1) pdf copy of the application and plans and drawings, drawn to a scale of not more than one (1) inch equals one hundred (100) feet. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides.
- D. Application Requirements - The application for approval of a Preliminary Plan for a Major Subdivision shall include the information required in Section 606.3.D.1 through 30 and the following: The Board may require additional information to be submitted, where it finds it necessary in order to determine whether the criteria of Title 30-A, M.R.S.A. Section 4404 and this Chapter are met.
 - 1. The Town of Poland Comprehensive Plan makes a finding that adequate water resources to support one and two family homes, in both quantity and quality, are generally available throughout the Town of Poland.
 - a. When a proposed Major Subdivision is not served by a Water District, evidence of adequate ground water quality shall be required for a proposed Subdivision in the vicinity of known sources of potential ground water contamination. The result of a primary inorganic water analysis performed upon a well on a parcel to be subdivided or from wells on adjacent parcels, between the parcel to be subdivided and the potential contamination source, shall be submitted.

- b. When a proposed Subdivision is to be served by a private central water system or will contain multi-family dwellings, evidence of adequate ground water quantity shall be required.¹⁴⁵
2. A High Intensity Soil Survey produced by a State of Maine certified Soil Scientist. Conditions of saturation of a frequency and duration to support wetland vegetation, not necessarily the presence of that vegetation, shall require a Soil Survey for identification. Wetland areas shall be identified on the Survey, regardless of size.
3. A Hydrogeologic Assessment prepared by a State of Maine certified Geologist or State of Maine registered Professional Engineer, experienced in hydrogeology, when the Subdivision is not served by public sewer; and
 - a. Any part of the Subdivision is located over a sand and gravel aquifer.
 - b. The Subdivision has an average density of more than one (1) dwelling unit per one hundred thousand (100,000) sq. ft.

The Board may require a Hydrogeologic Assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases may include but are not limited to extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one (1) dwelling unit per one hundred thousand (100,000) sq. ft. but the density of the developed portion is in excess of one (1) dwelling unit per eighty thousand (80,000) sq. ft.; or proposed use of shared or common subsurface wastewater disposal systems.¹⁴⁶

The Hydrogeologic Assessment shall be conducted in accordance with the provisions of Section 612.12, below.

4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, (published by the Institute of Transportation Engineers and as amended). Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
5. For Subdivisions involving forty (40) or more parking spaces or projected to generate more than four-hundred (400) vehicle trips per day, a Traffic Impact Analysis, prepared by a State of Maine registered Professional Engineer with experience in Traffic Engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

608 FINAL PLAN FOR MAJOR SUBDIVISIONS

608.1 Procedure

- A. Submittal of Application - Within six (6) months after the approval of the Preliminary Plan, the applicant shall submit an application for approval of the Final Plan at least ten (10) days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. Failure to submit the application for the Final Plan within six (6) months after Preliminary Plan approval shall require resubmission of the Preliminary Plan, except as stipulated below. The Final Plan shall approximate the layout shown on the Preliminary Plan, and any changes required by the Board. If an applicant cannot submit the Final Plan within six (6) months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the Final Plan and in pursuing approval of the Plans before other agencies, and that this Code, Municipal standards, ordinances or regulations which may impact on the proposed development have not been amended.
- B. Applicant Attendance for Presentation of Final Plan - The applicant, or the applicant's duly authorized

¹⁴⁵ Amended 9-24-2008

¹⁴⁶ Amended 4-30-2005

representative, shall attend the meeting of the Board to discuss the Final Plan. Failure to attend the meeting to present the Final Plan application shall result in a delay of the Board's receipt of the Plan until the next meeting which the applicant attends.

- C. Planning Board Responsibilities Upon Presentation of Final Plan - At the meeting at which an application for Final Plan approval of a Major Subdivision is initially presented, the Board shall issue a dated receipt to the applicant.
- D. Determination of Completeness of Final Plans - Within thirty (30) days of the receipt of the Final Plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application. Should the applicant not provide the specific additional material needed to complete the application within six (6) months of the date of the initial determination of an incomplete application the application shall become void. Upon written request by the applicant that presents reasonable cause for an extension and approval by the Planning Board this time period may be extended by six (6) months.
- E. Notification of Applicant - Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the applicant. The Board shall determine whether to hold a Public Hearing on the Final Plan application.
- F. Public Hearing Requirements - If the Board decides to hold a Public Hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two (2) times, the date of the first publication to be at least seven (7) days before the hearing. In addition, the notice of the hearing shall be posted in at least three (3) prominent places within the Municipality at least seven (7) days prior to the hearing.
- G. Required Approvals Prior to Submission of Final Plan Application - Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where applicable:
 1. Maine Department of Environmental Protection, under the Site Location of Development Act requires DEP permits for (a) Residential Subdivisions with fifteen (15) or more lots and land area of thirty (30) acres or more, for (b) Non-Residential Subdivisions of five (5) or more lots and land area of twenty (20) acres or more.
 2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a Storm Water Management Permit or a Wastewater Discharge License is needed.
 - a. Required for any activity that includes twenty thousand (20,000) sq. ft. or more of impervious area or five (5) acres or more of disturbed area in Poland's lake watersheds.
 - b. Discharge of wastewater into surface water bodies requires a permit.
 3. Maine Department of Human Services (DHS), if the applicant proposes to provide a public water system.
 - a. Approval from the DHS Drinking Water Program is necessary for any water supply having fifteen (15) connections or serving nine (9) dwelling units or more.
 4. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.
 - a. Any subsurface waste water disposal system which has a design flow of two thousand (2,000) gallons per day is required to be reviewed and approved by the DHS Plumbing and Waste Water Control Program.
 5. U.S. Army Corps of Engineers (USACE), if a permit under Section 404 of the Clean Water Act is required.
 - a. When placement of fill material into the waters of the United State including the filling of wetlands, the applicant shall be required to obtain a written opinion from USACE as to the applicability of the USACE regulations to the applicant's project.
 6. Maine Department of Transportation, under the Chapter 299: Highway Driveway and Entrance Rules and Chapter 305: Traffic Movement Permit, if a driveway or entrance permit or a traffic movement permit is

required.

- H. Requirements for Possible Historic Designations - If the Preliminary Plan identified any area listed on or eligible to be listed on the National Register of Historic Places, in accordance with Section 613.3.B, the applicant shall submit a copy of the Plan and a copy of any proposed mitigation measures to the Maine Historic Preservation Commission prior to submitting the Final Plan application.
- I. Performance Guarantee Requirements - Before the Board grants approval of the Final Plan, the applicant shall meet the performance guarantee requirements contained in Section 614.
- J. Finding of Facts and Conclusions - Within thirty (30) days from the Public Hearing or within sixty (60) days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A, M.R.S.A. Section 4404 and the standards of this Chapter. If the Board finds that all the criteria of Title 30-A, M.R.S.A. Section 4404 and the standards of this Code have been met, they shall approve the Final Plan. If the Board finds that any of the criteria of Title 30-A, M.R.S.A. Section 4404 or the standards of this Code have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the Subdivision. The reasons for any conditions shall be stated in the records of the Board.

608.2 Submissions

- A. Final Plan - The Final Plan for a Major Subdivision shall consist of two (2) reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and ten (10) copies and one (1) pdf copy of the application and one or more maps or drawings drawn to a scale of not more than one (1) inch equals one hundred (100) feet. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. The Final Plan shall be also provided in digital form as specified by the Planning Board.

The Plan to be recorded at the Androscoggin County Registry of Deeds shall follow the requirements of Title 33, M.R.S.A. Section 652.

- B. The final plan shall include or be accompanied by the following information:
 1. Proposed name of the Major Subdivision and the name of the Municipality in which it is located, and the assessor's map and lot numbers.
 2. The name(s) and address(s) of the owner of record, applicant, and individual or company who prepared the Plan. The Plan shall be embossed with the seal and signed by the State of Maine registered Professional Engineer or State of Maine registered Land Surveyor who prepared the Plan.
 3. The date the Plan was prepared, magnetic north point, graphic map scale.
 4. The number of acres within the proposed Subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
 5. The location of any Zoning District boundaries affecting the Subdivision.
 6. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
 7. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the Subdivision. The Plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a State of Maine registered Land Surveyor.

8. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town of Poland Flood Insurance Rate Map, shall be delineated on the Plan.
9. Street Plans, meeting the requirements of Chapter 8.
10. A list of construction items, with cost estimates that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.
11. A list of construction and maintenance items, with both capital and annual operating cost estimates, which must be financed by the Municipality, or Quasi-municipal Districts. These lists shall include but not be limited to:
 - a. Schools, including busing;
 - b. Street maintenance and snow removal;
 - c. Police;
 - d. Solid waste disposal;
 - e. Recreation facilities;
 - f. Storm water drainage; and
 - g. Fire protection.

The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the Major Subdivision.
12. If different from those submitted with the Preliminary Plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the Subdivision.
13. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the Municipality, written evidence that the Municipal Officers have voted to recommend acceptance of the offer and that they are satisfied with the legal sufficiency of the written offer to convey title shall be included.

609 FINAL APPROVAL AND FILING

- A. No Plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the Municipality.
- B. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. Section 4404, and this Code have been met, and upon voting to approve the Major Subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One (1) copy of the signed Plan shall be retained by the Board as part of its permanent records. One (1) copy of the signed Plan shall be forwarded to the Tax Assessor. One (1) copy of the signed Plan shall be forwarded to the Code Enforcement Officer. Any Subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the Plan is approved and signed by the Board shall become null and void.
- C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two (2) or more sections (phases) subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any Municipal or Quasi-municipal Department Head notified of the proposed Subdivision informs the Board that their Department or District does not have adequate capital facilities to service the Subdivision, the Board shall require the Plan to be divided into two (2) or more sections (phases) subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the Subdivision. If the Superintendent of Schools indicates that there is less than twenty percent (20%) excess classroom capacity existing in the school(s) which will serve the Subdivision, considering previously approved but not built Subdivisions, the Board shall require the Plan to be divided into sections (phases) to prevent classroom overcrowding. If the expansion, addition or purchase of the needed facilities is included in the Municipality's capital

improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

- D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 610. The Board shall make findings that the revised Plan meets the criteria of Title 30-A, M.R.S.A. Section 4404, and the standards of this Code. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Androscoggin County Registry of Deeds.
- E. The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such Plan. When a park, playground, or other recreation area shall have been shown on the Plan to be dedicated to the Municipality, approval of the Plan shall not constitute an acceptance by the Municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- F. Except in the case of a Phased Development Plan, failure to complete substantial construction of the Subdivision within five (5) years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a Subdivision's approval has expired under this Paragraph, the Board shall have a notice placed in the Androscoggin County Registry of Deeds to that effect.

610 REVISIONS TO APPROVED PLANS

610.1 Procedure - An applicant for a revision to a previously approved Plan shall, at least ten (10) days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda.

- A. If the revision involves the creation of additional lots or dwelling units, the procedures for Preliminary Plan approval shall be followed.
- B. If the revision involves only modifications of the approved Plan, without the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed.
- C. If the revisions do not create more than two lots in a five-year period, Section 605 requirements may be included in the regular review of the formal application and presented to the Planning Board as a one-time application review.¹⁴⁷

610.2 Submissions - The applicant shall submit a copy of the approved Plan as well as nine (9) copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this Code and the criteria of the State Statute. The revised Plan shall indicate that it is the revision of a previously approved and recorded Plan and shall show the title of the Subdivision and the book and page on which the original Plan is recorded at the Androscoggin County Registry of Deeds.

610.3 Scope of Review - The Board's scope of review shall be limited to those portions of the Plan that are proposed to be changed. Further Title 30-A, M.R.S.A. Section 4407, Subsection 1 requires the book and page number of the original Plan to appear on the revised Plan when it is recorded at the Androscoggin County Registry of Deeds.

611 INSPECTIONS AND ENFORCEMENT

611.1 Inspection of Required Improvements - Inspections may be conducted by but not limited to the following: Poland Code Enforcement Officer, Poland Road Commissioner, Androscoggin County Soil and Water Conservation Service or a retained Consultant and/or Engineering Firm.

- A. At least (5) five days prior to commencing construction of required improvements, the subdivider or builder shall:
 1. Notify the Code Enforcement Officer in writing of the time when proposes to commence construction of such improvements, so that the Municipal Officers can arrange for inspections to assure that all Municipal

¹⁴⁷ Amended 4-30-2005

specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. Deposit with the Municipal Officers a check for the amount 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 ninety percent (90%), the subdivider or builder shall deposit an additional one percent (1%) of the estimated costs of the required improvements.
- B. If the Inspecting Official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the Plans and Specifications filed by the subdivider, the Inspecting Official shall so report in writing to the Code Enforcement Officer, Municipal Officers, the Planning Board and the subdivider and builder. The Municipal Officers shall take any steps necessary to assure compliance with the approved Plans.
 - C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the Inspecting Official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Inspecting Official shall issue any approval under this Section in writing and shall transmit a copy of the approval to the Code Enforcement Officer and Planning 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 one percent (1%), etc., the subdivider shall obtain permission from the Planning Board to modify the Plans in accordance with Section 610.
 - D. At the close of each summer construction season the Municipality shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.
 - E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a State of Maine registered Land Surveyor, stating that all monumentation shown on the Plan has been installed.
 - F. 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 State of Maine registered 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 this Code. 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 Code Enforcement Officer.
 - G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Municipality or control is placed with a Lot Owners' Association.

611.2 Violations and Enforcement

- A. No Plan of a division of land within the Municipality which would constitute a Subdivision shall be recorded in the Androscoggin County Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Code and State Statute.
- B. A person shall not convey, offer or agree to convey any land in a Subdivision which has not been approved by the Board and recorded in the Androscoggin County Registry of Deeds.
- C. A person shall not sell, lease or otherwise convey any land in an approved Subdivision which is not shown on the Plan as a separate lot.
- D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a Subdivision for which a Final Plan has not been approved by the Board and recorded in the Androscoggin County Registry of Deeds.

- E. Development of a Subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Plan approved as provided in this Code and recorded in the Androscoggin County Registry of Deeds.
- F. No lot in a Subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this Code up to and including the entire frontage of the lot. No dwelling unit shall be occupied before the street upon which the unit is accessed is completed in accordance with this Code.¹⁴⁸
- G. Violations of the above provisions of this Section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. Section 4452.

612 PERFORMANCE STANDARDS - The performance standards in this Section are intended to clarify and expand upon the criteria for approval found within the Subdivision Statute (Title 30-A, M.R.S.A. Section 4404) and carry out the purposes of this Code and the Town of Poland Comprehensive Plan. In reviewing a proposed Subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a Final Plan. Compliance with the design guidelines of Section 613 shall be considered to be evidence of meeting the appropriate performance standards. Proposed Subdivisions not in compliance with the design guidelines of Section 613 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the criteria contained in Title 30-A, M.R.S.A. Section 4404. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all applicable performance standards and criteria contained in Title 30-A, M.R.S.A. Section 4404 for approval have been or will be met.

612.1 Pollution

- A. The proposed Subdivision shall not discharge waste water into a water body without a license from the Maine Department of Environmental Protection.
- B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the Subdivision is within the watershed of a Great Pond, the storm water shall be treated in order to remove excess nutrients.

612.2 Sufficient Water

- A. Water Supply
 - 1. When a proposed Subdivision is not within the area of a public water supply, water supply shall be from individual wells or a private community water system.
 - 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 wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
 - c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
 - d. In areas where water supplies are not available for firefighting purposes, the applicant shall provide adequate water supply in accordance with the current National Fire Prevention Association Standards (NFPA) 1141 and 1142.¹⁶¹
 - 2. When a Subdivision is to be served by a public water system, the complete supply system within the Subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of

¹⁴⁸ Amended 9-24-2008

mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the Fire Rescue ¹⁶² Chief.

- B. 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 Androscoggin County Registry of Deeds.

612.3 Impact on Existing Water Supplies - In meeting the standards of Section 612.2.A, a proposed Subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the Subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's or company's system as necessary to alleviate existing deficiencies.

612.4 Soil Erosion

- A. The proposed Subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.
- B. The procedures outlined in the Erosion and Sedimentation Control Plan shall be implemented during the site preparation, construction, and clean-up stages.
- C. Topsoil shall be considered part of the Subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

612.5 Traffic Conditions

- A. In general, provision shall be made for vehicular access to the Subdivision and circulation within the Subdivision in such a manner as to:
 1. Safeguard against hazards to traffic and pedestrians in existing streets and within the Subdivision;
 2. Avoid traffic congestion on any street; and
 3. Provide safe and convenient circulation on public streets and within the Subdivision.
- B. More specifically, access and circulation shall also conform to the following standards:
 1. The vehicular access to the Subdivision shall be arranged to avoid through traffic use;
 2. 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 the street giving access to the Subdivision and neighboring streets and intersections to "E" or below, unless the Town of Poland Comprehensive Plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection;
 3. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways and traffic controls within existing public streets;
 4. Access ways to Non-residential Subdivisions, multi-family dwellings, or planned residential 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; and ¹⁴⁹
 5. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the Municipality designated as growth areas in the Town of Poland Comprehensive Plan; or in Non-residential Subdivisions when such access shall be provided if it will:

¹⁴⁹ Amended 9-24-2008

¹⁶² Amended 4-2-2011

- a. Facilitate fire protection services as approved by the Fire Chief; or
 - b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.
6. When it is determined by the Planning Board that existing public streets do not have the capacity and/or are in such physical condition as to create unsafe conditions it may require the applicant to improve such street.
 7. 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. The developer shall either install street name, traffic safety and control signs meeting Municipal specifications or reimburse the Municipality for the costs of their installation. Street lighting shall be installed as approved by the Board.
 8. Clean up - Following street construction, the developer or contractor shall conduct a thorough clean up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

612.6 Sewage Disposal

A. Private Systems.

1. When a proposed Subdivision is not served by public sewage treatment, sewage disposal shall: be private subsurface wastewater disposal systems or a private treatment facility.
2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a State of Maine Department of Human Services licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - a. The Site Evaluator shall certify in writing that all test pits which meet the requirements for a new system represents an area large enough to a disposal area on soils which meet the State of Maine Subsurface Wastewater Disposal Rules.
 - b. On lots in which the limiting factor has been identified as within twenty-four (24) inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the Plan and restricted so as not to be built upon.
 - c. In no instance shall a disposal area be on a site which requires a New System Variance from the State of Maine Subsurface Wastewater Disposal Rules.

612.7 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 (5) years.

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

A. Preservation of Natural Beauty and Aesthetics.

1. The Plan shall, by conditions of approval on the Final Plan and deed restrictions, limit the clearing of trees to those areas designated on the Plan.
2. In the Rural Residential and Farm and Forest Districts as defined in Chapter 5, Land Zoning Standards, the Subdivision shall be designed to minimize the visibility of buildings from existing public roads.
3. The Board may require the application to include a Landscape Plan that will show the preservation of any

existing trees larger than twenty-four (24) inches diameter breast height, the replacement of trees and vegetation, and graded contours.

4. When a proposed Subdivision Street traverses open fields the Plans shall include the planting of street trees. Such plantings shall not restrict visibility at street intersections

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

1. If any portion of the Subdivision is located within an area designated by the Town of Poland 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 Town of Poland 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 Town of Poland Comprehensive Plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the Plan.
4. The Subdivision shall reserve sufficient undeveloped land to provide for the recreation 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 Town of Poland Comprehensive Plan, the proposed lot sizes within the Subdivision, the expected demographic makeup of the occupants of the Subdivision, and the site characteristics.
5. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
6. Reserved open space land may be owned and maintained by the Subdivision occupants or other party approved by the Planning Board.

C. Protection of Significant Wildlife Habitat - If any portion of a proposed Subdivision lies within:

1. Two hundred-fifty (250) feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the Town of Poland Comprehensive Plan as:
 - a. Habitat for species appearing on the official Federal or State lists of endangered or threatened species;
 - b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas; or
2. One thousand three hundred twenty (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;
3. Or other important habitat areas identified in the Town of Poland Comprehensive Plan, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a Wildlife Biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the Subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the Subdivision will have no adverse impacts on the habitat and the species it supports.

- D. Access to Shoreline - 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.

612.9 Conformance with Zoning and Other Land Use Standards - All lots shall meet the minimum dimensional requirements of Chapter 5, Land Zoning Standards, for the zoning district in which they are located. The proposed

Subdivision shall meet all applicable performance standards or design criteria from Chapter 5.

612.10 Financial and Technical Capacity

- A. Financial Capacity - The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of Title 30-A, M.R.S.A. Section 4404 and the standards of this Code. 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.
- B. Technical Ability
 - 1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed Subdivision.
 - 2. 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.

612.11 Impact on Water Quality or Shoreline - Cutting or removal of vegetation along water bodies shall not increase water temperature, result in shoreline erosion or sedimentation of water bodies.

612.12 Impact on Ground Water Quality or Quantity - The Subdivision will not adversely affect the quality or quantity of ground water.

- A. Ground Water Quality
 - 1. When a Hydrogeologic Assessment is required by the Planning Board, 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, 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, or at the Subdivision boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the Subdivision and within two-hundred (200) feet of the Subdivision boundaries.
 - 2. When a hydrogeologic assessment is required by the Planning Board, the assessment shall comply with the following:
 - a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming sixty percent (60%) of annual average precipitation).
 - b. 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.

- c. 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.
- d. 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 one hundred and fifty percent (150%) of the ambient concentration.
- e. Subsurface Wastewater 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 condition of approval on the Final Plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity ¹⁵⁰

- 1. Ground water withdrawals by a proposed Subdivision shall not lower the water table beyond the boundaries of the Subdivision.
- 2. 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.

612.13 Floodplain Management - When any part of a Subdivision is located in a Special Flood Hazard Area as identified by the Federal Emergency Management Agency:

- A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
- B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- C. The Plan shall include a condition of approval that structures in the Subdivision shall be constructed with their lowest floor, including the basement, at least one (1) 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.

612.14 Identification of Freshwater Wetlands - Freshwater wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, (published by the United States Army Corps of Engineers and as amended).

612.15 River, Stream or Brook - Any river, stream or brook within or abutting the Subdivision shall be identified on the Plan.

612.16 Storm Water Management

- A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the Subdivision, and any drained groundwater through a management system of swales, culverts, under drains, storm drains and Best Management Practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 2015 and as amended), and in conformance with the policies of the Town of Poland Comprehensive Plan. The Storm Water Management System shall be designed to meet the following standards:
 - 1. Quantity - Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm.

¹⁵⁰ Amended 4-27-2002

2. Quality.

- a. Major Subdivisions - Storm water run-off in Major Subdivisions must be treated by the use of Best Management Practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 2015 and as amended), to achieve, by design, forty percent (40%) reduction in total suspended solids.
- b. Minor Subdivisions - Storm water run-off in Minor Subdivisions must be treated by the use of Best Management Practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 2015 and as amended), to achieve, by design, fifteen percent (15%) reduction in total suspended solids.

B. All of the above standards shall be on lands within the Subdivision.

612.17 Phosphorus Impacts on Great Ponds

A. Phosphorus Export

- 1. Any Subdivision within the watershed of a Great Pond shall limit its Post Development Phosphorus Export to the standards contained in following Table dependent on the Great Pond in whose watershed the Subdivision is located.
 - a. Post Development Phosphorous Export Chart - Phosphorus export from development shall be equal to or less than that which is calculated using the Methodology established by the Maine Department of Environmental Protection (DEP) using the data provided by the DEP and the following table. When using Appendix (A) worksheet as contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (published by the Maine Department of Environmental Protection, revised September 1992 and as amended), as part of your application for Subdivision, calculate the phosphorus export for the property being developed to it's related watershed. This will determine if the phosphorus export is within the allowable limits for the permit you are requesting.

Table 612.17.A.1.a / POST DEVELOPMENT PHOSPHOROUS EXPORT BY WATERSHED

Watershed	Lake Protection Level	Phosphorus Coefficient (ppb)	Acceptable Increase/lake Phosphorus Concentration (ppb)	Future Area to be Developed in Poland (acres)	Allowable Phosphorus Export Per Acre (pounds)
Crescent (Rattlesnake)	High	1.32	0.75	21.60	0.046
Garland (Mud) Pond	High	5.07	1.00	216.00	0.026
Hogan Pond	High	1.56	0.75	34.90	0.034
Lower Range Pond	High	31.26	0.75	498.15	0.047
Middle Range Pond	High	43.52	1.00	713.25	0.061
Mirror (Mud) Pond	High	2.22	0.50	71.55	0.018
Raymond(Little Rattlesnake)	High	0.11	0.75	2.70	0.031
Sabbathday Lake	High	2.38	0.75	45.00	0.040
Shaker Bog	High	4.60	1.00	85.00	0.054
Thompson Lake	High	46.76	0.50	645.30	0.036

Tripp Lake	High	44.34	0.75	898.50	0.037
Upper Range Pond	High	19.13	0.75	380.70	0.038
Worthley Pond	High	7.43	0.75	210.60	0.026

- (1) Lake Water Quality - from DEP
- (2) Lake Protection Level - determined by Town of Poland
- (3) Phosphorous Coefficient - from DEP; indicates amount of additional phosphorous that, exported from watershed to lake, would produce a 1 ppb increase in the lake's Phosphorus Concentration.
- (4) Acceptable Increase in Lake Phosphorous Concentration - (ppb)
- (5) Future Area to be Developed - watershed acreage likely to be developed over next fifty (50) years; twenty-five percent (25%) for all lakes in Poland.
- (6) Per-acre Phosphorous Allocation - amount of phosphorous each developed acre is allowed to export (lbs/acre/yr).

The Board shall keep an accurate record of permits issued by watershed. The above table shall be amended reflecting changes in expected development rates.

2. Simplified Phosphorus Review.

a. The Simplified Review may be used for a:

- (1) Proposed Subdivision of three (3) or four (4) lots with less than two hundred (200) feet of new or upgraded street with a cumulative driveway length not to exceed four hundred fifty (450) feet for a three-lot Subdivision or six hundred (600) feet for a four-lot Subdivision; or
- (2) Proposed Subdivision of three (3) or four (4) lots with no new or upgraded street with a cumulative driveway length not to exceed nine hundred fifty (950) feet for three (3) lot Subdivisions or one thousand one hundred (1,100) feet for four (4) lot Subdivisions; or
- (3) Proposed Subdivision that has less than twenty thousand (20,000) sq. ft. of disturbed area including building parking, driveway, lawn, subsurface wastewater disposal systems, and infiltration areas, and new or upgraded streets not exceeding two hundred (200) linear feet.

b. The subdivision qualifying for and using the Simplified Review Method shall be designed in accordance with the Simplified Review Method for Minor Projects (Chapter 4) in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (published by the Maine Department of Environmental Protection, revised September 1992 and as amended. The buffer areas shall be located downslope of developed areas. All new lots shall be buildable in accordance with the buffer widths required by the appropriate table.

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

4. Maintenance and Use Restrictions for Phosphorus Control Measures - Provisions for monitoring, inspections, and maintenance of Phosphorus Control Measures shall be included in the application.

a. Vegetative Buffer Strips - Individual lot owners shall be required to maintain buffer areas on their individual

lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the Plan. Where a vegetative buffer strip is to be owned in common by property owners in the Subdivision, documentation establishing the Lot Owners' Association shall include the following standards.

- b. Wooded Buffers - Maintenance provisions for wooded buffers shall provide for either of the following two options:
- (1) No Disturbance - Maintenance and use provisions for wooded buffer strips which are located on hydrologic soil group D soils and within two hundred fifty (250) feet of a Great Pond or a tributary to the Great Pond, or which are located on slopes over twenty percent (20%) shall include the following;
 - (a) Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows;
 - (b) All existing undergrowth (vegetation less than four (4) feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six (6) feet, is allowed through the buffer. This path shall not be a straight line to the Great Pond or a tributary to the Great Pond and shall remain stabilized;
 - (c) Pruning of live tree branches is permitted provided that at least the top two-thirds of the tree canopy is maintained or the bottom twenty (20) feet, which ever is less;
 - (d) No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees; and
 - (e) Buffer strips shall not be used for all-terrain vehicles or vehicular traffic.
 - (2) Limited Disturbance - Maintenance and use provisions for other buffer strips may include the following:
 - (a) There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained;
 - (b) Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four (4) feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion;
 - (c) Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six (6) feet. This path shall not be a straight line to the Great Pond or a tributary to the Great Pond. The path must remain stabilized;
 - (d) Pruning of live tree branches is permitted provided that at least the top two-thirds of the tree canopy is maintained or the bottom twenty (20) feet, which ever is less.
 - (e) Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening, those openings shall be replanted with native trees at least three (3) feet in height unless existing new tree growth is present; and
 - (f) Buffers shall not be used for all terrain vehicles or vehicular traffic.
- c. Non-wooded Buffers.
- (1) Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply;
 - (2) A buffer must maintain a dense, complete and vigorous cover of "non-lawn" vegetation that shall be mowed no more than once a year to a height of not less than six (6) inches. Vegetation may include

grass, other herbaceous species, shrubs and trees;

- (3) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited; and
 - (4) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.
- d. Infiltration Systems - Individual lot owners shall be responsible for maintenance of Individual Infiltration Systems according to the standards specified in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (published by the Maine Department of Environmental Protection, revised September 1992 and as amended). Requirements for maintenance shall be included in deed restrictions and as notes upon the Plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where Infiltration Systems serve more than one lot, a Lot Owners' Association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.
- e. Wet Ponds - A Lot Owners' Association shall be established to maintain wet ponds. Documentation establishing the association shall include the maintenance standards specified in the manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (published by the Maine Department of Environmental Protection, revised September 1992 and as amended).

612.18 Impact on Adjoining Municipality - If a Subdivision crosses the boundary into an adjacent Municipality, the Subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public roads in an adjacent Municipality in which part of the Subdivision is located. The Planning Board shall meet jointly with the Planning Board of any Municipality to assess unreasonable traffic congestion or unsafe conditions.

613 DESIGN GUIDELINES - This Section is intended to provide design guidelines, which if followed will result in meeting the appropriate performance standards of Section 612. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed Subdivisions not in compliance with the design guidelines of this Section may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the criteria contained in Title 30-A, M.R.S.A. Section 4404. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and criteria contained in Title 30-A, M.R.S.A. Section 4404 for approval have been or will be met.

613.1 Sufficient Water

A. Fire Protection.

1. Fire hydrants connected to a public water supply system shall be located no further than five hundred (500) feet from any building.
2. 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 (6) inches.
3. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the Municipality shall be provided to allow access. A suitable access way to the hydrant or other water source shall be constructed.
4. When The water supply must be located within the boundaries of the proposed subdivision, or within three thousand five hundred (3,500) feet of the proposed Subdivision if an approved water source already exists and is acceptable to the Fire Chief.
 - a. The provisions of the current National Fire Protection Standard #1141, Fire Protection in Planned Building Groups shall be followed to determine sufficient fire flow requirements.
 - b. The property developer or Homeowner's Association shall provide adequate insurance and/or a bond for

the installed system from the date of installation for inperpetuity. (excluding residential sprinkler systems). Proof shall be provided each calendar year to the Fire Rescue Chief.¹⁶³

- c. Maintenance for water sources required under this Subsection that are located on private roadways or drives shall be the responsibility of the property owner(s). Maintenance shall include but not be limited to snow removal and the cutting of grass and brush so that the water source is readily visible and accessible at all times.
- d. The property owner shall be responsible for the filling of any tanks that may be used. The Fire Department will be responsible for refilling after use.

613.2 Traffic Conditions

A. Access Control

1. Where a Subdivision will abut an arterial street, no lot may have vehicular access directly onto the arterial street. This requirement shall be included as a condition of approval on the Final Plan and in the deed of any lot with frontage on the arterial street.¹⁵¹
2. Where a lot has frontage on two (2) 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 unless other factors make it not practical. This requirement shall be included as a condition of approval on the Final Plan and in the deed of any affected lot.

B. Street Design - Proposed streets shall comply with the Chapter 8, Street Construction Standards.

613.3 Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline

A. Preservation of Natural Beauty and Aesthetics

1. Unless located in the Village District as defined in Chapter 5, Land Zoning Standards, a Subdivision in which the land cover type is forested shall maintain a wooded buffer strip no less than fifty (50) feet in width along all existing public roads. The buffer may be broken only for driveways and streets. If the forested buffer was cut within two (2) years of application, the buffer shall be replanted to native species.
2. When located in Farm and Forest as defined in Chapter 5, Land Zoning Standards, building locations shall be restricted from open fields, and shall be located within forested portions of the Subdivision. When the Subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of building when viewed from existing public streets.
3. When a proposed Subdivision Street traverses open fields, the Plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty (50) feet apart and where they will not interfere with power lines.

B. Retention of Historic Features - Proposed Subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the Town of Poland Comprehensive Plan has identified as of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the Subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such Plans.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas - The following guidelines are designed to protect the significant wildlife resources identified in the Municipality. The Board recognizes that wildlife management must take into account many site specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified Wildlife Biologist and provide their written comments to the Board. The guidelines of this Section shall apply to

¹⁵¹ Amended 4-4-2009

¹⁶³ Amended 4-2-2011

only those Subdivisions which include significant wildlife habitat or resources identified in Section 612.8.C. Use of Cluster Development Techniques can allow a property to develop a similar number of Subdivision lots even though habitats place limits on development activities.

1. Protection of Habitat of Endangered or Threatened Species.
 - a. Habitat or species appearing on the Official State or Federal lists of Endangered or Threatened Species shall be placed in open space.
 - b. Deed restrictions and notes on the Plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within two hundred fifty (250) feet of the habitat for species appearing on the list of Endangered or Threatened Species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.
2. Protection of Waterfowl and Wading Bird Habitat.
 - a. There shall be no cutting of vegetation within the strip of land extending seventy five (75) feet inland from the normal high-water mark of the following habitat areas:
 1. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 2. Other important habitat areas identified in the Town of Poland Comprehensive Plan.
 - b. This restriction shall appear as a condition of approval on the Plan and as a deed restriction to the affected lots.
3. Protection of Deer Wintering Areas - A report prepared by a Wildlife Biologist, selected or approved by the Board, shall include a Management Plan for deer wintering areas. In Subdivisions which include areas designated as Deer Wintering Areas Cluster Subdivisions will be required with the Deer Wintering area included in the open space portion of the Subdivision.
4. Other Important Wildlife Areas - If the proposed Subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town of Poland Comprehensive Plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified Wildlife Biologist and their comments presented in writing to the Board.

613.4 Storm Water Management Design Guidelines

- A. Design of Best Management Practices shall be substantially equivalent to those described in the Storm Water Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 1995 and as amended).
- B. The minimum pipe size for any storm drainage pipe shall be twelve (12) inches, fifteen (15) inches for carrying roadway ditches under driveway entrances and eighteen (18) inches for cross culverts.
- C. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.

613.5 Impact on Water Quality or Shoreline - Within a strip of land extending one hundred (100) feet inland from the normal high-water line of a Great Pond or and seventy-five (75) feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include any such land shall contain the following restrictions:

- A. There shall be no cleared opening greater than two-hundred and fifty (250) sq. ft. in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created and a well distributed stand of trees and other vegetation is maintained. For the purposes of this Section a "well distributed stand of trees and other vegetation" adjacent to a Great Pond or stream flowing to a Great Pond, shall be defined as maintaining a rating score of twelve (12) or more in any twenty-five (25) foot by 25 foot square area as determined by the following rating system.

<u>Diameter of tree at 4½ feet above ground level (inches)</u>	<u>Points</u>
2 - 4	1
>4-12	2
>12	4

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of eight (8) per 25-foot square area.

- B. Notwithstanding the above provisions, no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter measured at four and one half (4½) feet above ground level may be removed in any ten (10) year period.
- C. In order to protect water quality and wildlife habitat, adjacent to Great Ponds and streams which flow to Great Ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.
- D. Pruning of tree branches on, the bottom one third (1/3) of the tree, or the bottom twenty (20) feet, which ever is less, is permitted.
- E. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in Paragraph A., above, shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

613.6 Lots

- A. Wherever possible, side lot lines shall be perpendicular to the street.
- B. The Subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as to either provide for or preclude future division. Deed restrictions and conditions of approval 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 State Subdivision Statute, the standards of this Code and conditions placed on the original approval.
- C. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.
- D. The ratio of lot length to width shall not be more than four (4) to one (1) 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.

613.7 Utilities

- A. The Planning Board may require utilities serving the Subdivision to be installed underground. The applicant will furnish or cause to be furnished to the Planning Board the Plans prepared by utility companies for the installation of utilities. Acceptance of the Final Plan of a Subdivision is conditioned upon receipt of these Utility Plans.
- B. Underground utilities shall be installed prior to the installation of the final gravel base of the road. All underground utilities shall be properly marked to avoid damage by future excavations.
- C. The size, type and location of street lights, electric lines, telephone, and other utilities shall be shown on the Plan.

613.8 Monuments

- A. Stone or precast concrete monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be set at all street intersections and points of curvature, but no further than seven hundred fifty (750) feet apart along street lines without curves or

intersections.

- B. Stone or precast concrete monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be set at all corners and angle points of the Subdivision boundaries where the interior angle of the Subdivision boundaries is one hundred thirty-five (135) degrees or less.
- C. Stone or precast concrete monuments shall be a minimum of four (4) inches square at the top and four (4) feet in length, and set in the ground at final grade level. After they are set, a drill hole one-half (½) inch deep shall locate the point or points described above.
- D. 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.

613.9 Cluster Developments

- A. Policy - It is the policy of the Town of Poland to encourage the use of Cluster Subdivisions in order to preserve a sense of space, provide for agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Poland Comprehensive Plan, and harmonize new development with the traditional open, wooded, agricultural and village landscapes of the Town.

This Design Guideline is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design and road frontage requirements and by allowing the Planning Board to expedite procedures and to waive or reduce certain otherwise applicable standards and provisions of this Chapter and Chapter 5, Land Zoning Standards, if such landowners commit to the permanent preservation of important Open Space Resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

- B. Purposes - A Cluster Subdivision achieves the purposes of this guideline reducing the lot size, frontage and setback requirements and clustering housing and uses in those areas where they have the least impact on identified environmental, agricultural and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements that run with the land. The cluster principle can be applied to Subdivisions of any size.
- C. Planning Board Review - The Planning Board shall review the application in accordance with Title 30-A, M.R.S.A. Section 4404 and this Code as modified by the provisions of this Section.
 - 1. Pre-application Procedure
 - a. Any applicant for a Cluster Subdivision is encouraged but not required to submit at the pre-application stage, a complete build-out Plan for the entire parcel.
 - b. After review of the pre-application, if the Planning Board determines that the proposed Open Space Subdivision meets the purposes set forth in this Section that are applicable to the proposed Subdivision as well as other applicable provisions of this Section, State Statute, this Code and the Town of Poland Comprehensive Plan, the Board shall encourage or permit, as appropriate, the applicant to proceed with an application for a Cluster Subdivision.
 - 2. Application Procedure - Required Plans: The submissions for a Cluster Subdivision shall include all Plans and materials required for a Conventional Subdivision.
 - 3. General Requirements - In Planning Board review and approval of a Cluster Subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Chapter.
 - a. Use and District Requirements

- (1) All Cluster Subdivisions shall meet the use standards of the Districts in which they are located.
 - (2) Allowable Density - To determine the number of allowable dwelling units the total parcel area less all land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads, rights-of-ways and/or easements, is divided by the minimum lot size requirement in the District.¹⁵²
4. Layout and Siting Standards - In planning the location and siting of residential structures in a Cluster Subdivision, priority should be given to the preservation of the open space for its natural resource value with human habitation activity located and sited on the lower valued natural resource portion of a parcel taking into account the contours of the land and the reasonableness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site:

- a. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved;
 - b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;
 - c. In such manner that the boundaries between residential lots and active agricultural or forestry lands are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural or forestry uses;
 - d. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall Plan for site development;
 - e. In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the District;
 - f. In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged; and
 - g. So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, so as to improve the view from and of buildings.
5. Space Standards
- a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the District.
 - b. Distances between residential structures shall be a minimum of the height of the tallest adjacent structure.
 - c. The required maximum lot size or maximum land area per dwelling unit for the building envelope shall be one (1) acre.
 - d. Minimum road frontage requirements of the Land Zoning Standards may be waived or modified by the Planning Board provided that:
 - (1) Any applicable provisions regarding roads in Subsection 6 below are satisfied; and
 - (2) Adequate access and turnaround to and from all parcels by fire trucks, ambulances, police cars and

¹⁵² Amended 4-30-2005

other emergency vehicles can be ensured by private roads and/or common driveways;

- (3) A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design provided that the front and rear setbacks shall be no less than twenty-five (25) feet or that required for the applicable Zoning District, whichever shall be less. For the perimeter of a cluster development with multi-family dwellings, overall development setback shall not be reduced below the minimum front, side and rear setbacks required in the Zoning District unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.¹⁵³
 - (4) No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
6. Utilities - At the discretion of the Planning Board, in order to achieve the most appropriate design and layout of lots and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided they shall not unreasonably interfere with the open space purposes or uses to be achieved under this Section and for the particular parcel(s) that is the subject to the application for a Cluster Subdivision.
- a. All structures requiring plumbing in the development shall be connected to a public sewage system, individual septic systems or a private central collection and treatment system in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules. Proposed systems shall in no way endanger ground water supplies which are currently being utilized as a water source for any existing development or which are to be utilized as a common or individual water supply for the proposed development.
 - b. If a private central collection system is proposed, the applicant must show either that at least one designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface wastewater disposal for each lot in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules, or that a second site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one originally proposed. In the case of the use of chambers, there shall be designed an excess capacity of thirty percent (30%).
 - c. If a private central collection system is proposed, the system shall be maintained by a homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board. The Planning Board may require the developer and homeowners association to retain a qualified third party to inspect and approve the system from time to time and furnish a copy of his report to the Code Enforcement Officer.
7. Roads - The Planning Board shall require private roads and common driveways to comply with the design standards set forth in Chapter 8, Street Construction Standards, except as provided in Subsection 7.d below.
- a. The applicant shall submit to the Planning Board as part of the application for approval a State of Maine registered Professional Engineers drawing showing the location and drainage characteristics, dimensions and grade of roads and common driveways as well as specifications setting forth their proposed composition.
 - b. The Subdivision Plan shall show the road clearly labeled "private road" and a condition of approval shall state the following:

"Streets indicated as Private-Owned Street shall remain private streets to be maintained by the Developer or the Lot Owners and shall not be accepted nor maintained by the Municipality unless said street has been brought up to or, otherwise, meets the current Street Construction Standards.
 - c. Whenever possible and as far as practicable, the roads and common driveways shall:

¹⁵³ Amended 9-24-2008

- (1) Follow natural contours in an effort to limit phosphorous export;
 - (2) Be limited in width, curvilinear in design, and keeping within the rural character of the Town; and
 - (3) Shall turn away from the front access to public roads, and shall use sufficiently dimensioned culverts to accommodate predevelopment and post-development drainage and flows, where necessary.
- d. Travel ways and shoulders of roads and common driveways within open space subdivisions shall meet the following minimums:
- (1) Common driveways serving 3 or fewer dwelling units: 12 foot travel way.
 - (2) Roads serving 4 units: 16-foot travel way and 3-foot shoulders.
 - (3) Roads serving 4 to 10 units: 16-foot paved travel way and 3-foot shoulders.
 - (4) Roads serving 11 to 50 units: 20 foot paved travel way and 3 foot shoulders.
- D. Open Space Requirements - In Planning Board review and approval of a Cluster Subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Chapter or Chapter 5, Land Zoning Standards.

Open space set aside in an Open Space Subdivision shall be permanently preserved as required by this Section except where open space is dedicated by a landowner under contract with the Town for a term of years as set forth below. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one (1) or more large parcels on which dwellings are permitted provided that a conservation easement or a declaration of covenants and restrictions is placed on such land and provided that the Planning Board approves such configuration of the open space.

1. Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, stream beds, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:
 - a. On parcels that contain significant portions of land suited to agriculture, open space shall be preserved for agriculture or other compatible open space uses such as forestry, recreation (active or passive) and resource conservation;
 - b. When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation such trails for walking and cross country skiing;
 - c. Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town;
 - d. The use of any open space may be limited by the Planning Board at the time of Final Plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of Final Plan approval, shall be reviewed by the Planning Board as an amendment to the approved Plan;
 - e. Further Subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in below:
 - (1) Notations on Plan. Open space must be clearly labeled on the Final Plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management,

method of preservation, and the rights, if any, of the owners in the Subdivision to such land or portions thereof. The Plan shall clearly show that the open space land is permanently reserved for open space purposes, is subject to a reservation for future development, including those provisions allowed under Subsection f. below, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions.

- f. Preservation in Perpetuity. An owner of a parcel of land may designate all or portions of the parcel for open space use in perpetuity are achieved and all other requirements of this performance standard are met subject to the following conditions:
- (1) A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the Open Space Plan;
 - (2) The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Municipal Officers, and acceptance at Town Meeting or to a qualified not-for-profit conservation organization acceptable to the Planning Board;
 - (3) Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of Plan approval hereunder;
 - (4) The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Poland if the Town is not the holder of the conservation easement or beneficiary of the declarations;
 - (5) The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use; and
 - (6) The conservation easement or declaration shall be recorded in Registry of Deeds prior to or simultaneously with the filing of the Cluster Subdivision Final Plan in the Androscoggin County Registry of Deeds.

613.10 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services

- A. All open space common land, facilities and property shall be owned and maintained by:
1. The owners of the lots or dwelling units by means of a lot owner's association; or
 2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition.
- B. Further Subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.
- C. The common land or open space shall be shown on the Final Plan with appropriate notations on the Plan to indicate:
1. It shall not be used for future building lots.
- D. The Final Plan application shall include the following:
1. Covenants for mandatory membership in the Lot Owners' Association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling;
 2. Draft articles of incorporation of the proposed Lot Owners' Association as a not-for-profit corporation; and

3. Draft bylaws of the proposed Lot Owners' Association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
- E. In combination, the documents referenced in paragraph D above shall provide for the following.
1. The homeowners' association shall have the responsibility of maintaining the common property or facilities;
 2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments;
 3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments; and
 4. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development no less than seventy-five percent (75%) occupancy or more if set by the board.

613.11 Agricultural Land Buffers - When the proposed Subdivision will abut active commercial agricultural land, a buffer of unimproved natural vegetation of a minimum of one hundred (100) feet will be provided between dwellings and the active agricultural land.

613.12 Buffers for Non-residential Subdivisions

- A. If a non-residential subdivision abuts or is across a public or private street from a property with at least one residence or a vacant property in a district in which residences are a permitted use, the proposed subdivision shall comply with the buffer requirements of section 509.9.V.
- B. In addition to the requirements of section 613.12.A, above, buffers along abutting properties with at least one (1) residence or vacant properties in a district in which residences are a permitted use shall consist of a minimum forty (40) foot wide natural buffer. If the natural buffer has been removed by harvesting, thinning, re-grading or previous land use practices, the application shall include plans to establish a minimum forty (40) foot wide buffer such that the Planning Board can find that it provides adequate buffering for abutting properties. Such buffer shall consist of, either singly or in combination, plantings, berms, sight impervious fencing or similar improvements.
- C. In determining the adequacy of any proposed buffers, the Planning Board shall consider the height, design and location of street, parking lot and site lighting. The Board may reduce or waive buffers as provided for in this subsection upon submission of written mutual consent of abutting property owners.

614 PERFORMANCE GUARANTEES - With submittal of the application for Final Plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction cost.

614.1 Types of Guarantees

- A. Either a certified check payable to the Municipality or a savings account or certificate of deposit naming the Municipality as owner, for the establishment of an escrow account;
- B. A performance bond payable to the Municipality issued by a surety company, approved by the Municipal Officers, or Town Manager;
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the Subdivision, from which the Municipality may draw if construction is inadequate, approved by the Municipal Officers, or Town Manager; or
- D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed. The conditions and amount of the performance guarantee shall be determined by the Board

with the advice of the Inspecting Official, Road Commissioner, Municipal Officers, and/or Municipal Attorney.

614.2 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 or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the Municipality shall have access to the funds to finish construction.

614.3 Escrow Account - A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For the account that shall be opened by the applicant, 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 applicant unless the Municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

614.4 Performance Bond - A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the Municipality. The bond documents shall specifically reference the Subdivision for which approval is sought.

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

614.6 Conditional Agreement - The Board at its discretion may provide for the applicant to enter into a binding agreement with the Municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no more than four (4) lots may be sold or built upon until either:

- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- B. A performance guarantee, acceptable to the Municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the Final Plan that is recorded at the Androscoggin County Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 614.8.

614.7 Phasing of Development - The Board may approve Plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by Limiting Final Plan 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 Plan approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

614.8 Release of Performance 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 Inspecting Official or other qualified individual retained by the Municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the Subdivision for which the release is requested.

- A. Upon completion of the project and release of the Performance Guarantee, a defect bond shall be procured by the developer/landowner(s) in the amount of 10% of the value of the Performance Guarantee for a period of at least twelve (12) months after the release of the Performance Guarantee. This bond shall cover but is not limited to defects, damages, failures, and omissions in any portion of the construction approved for the project.¹⁵⁴

614.9 Default - If upon inspection, the Municipal Engineer or other qualified individual retained by the Municipality finds that any of the required improvements have not been constructed in accordance with the Plans and Specifications filed as part of the application, he or she shall so report the findings in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the applicant or builder. The Municipal Officers shall take any steps necessary to preserve the Municipality's rights.

¹⁵⁴ Amended 4-29-2006

614.10 Improvements Guaranteed - Performance guarantees shall be tendered for all improvements required to meet the standards of this Code and State statutes and regulations for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

615 PLANNED RESIDENTIAL DEVELOPMENTS ¹⁵⁵

- H. The goals of these provisions for planned residential developments are:
1. To provide flexibility in development standards.
 2. To encourage innovative housing types.
 3. To construct a pattern of development that reflects the most appropriate use of the area.
 4. To provide for increased amenities.
 5. To maintain a traditional residential character.
 6. To preserve open space, natural vegetation, watercourses, historic buildings and places, and other features of value to the community.
 7. To create efficient street and utility systems by clustering of structures.
 8. To integrate new development into the existing community while protecting and preserving existing neighborhoods and sensitive areas.
- I. In order to qualify as a planned residential development, all dwelling units shall be sited on an undivided parcel of land except if the development site is divided by an existing or proposed road in which case the dwelling units on each side of the existing or proposed road shall be sited on an undivided parcel of land.
- J. Planned residential developments shall be permitted in those districts as indicated in section 502.6. Accessory commercial or institutional uses that are typically associated with such developments, such as nursing and congregate facilities, medical offices, golf courses, etc., may be permitted as long as they are clearly incidental to the principal use and they shall be limited to those districts in which such uses are permitted.
- K. Notwithstanding the requirements of the underlying zoning district(s) and the cluster development provisions of section 613.9, the planned residential development and all uses, buildings and structures associated with it shall be governed by the following dimensional requirements:
1. Minimum site size. A planned residential development shall include a minimum of ten (10) acres.
 2. Minimum net residential acreage per dwelling unit.
 - a. The following minimum net residential area within the overall area of the planned residential development for each dwelling unit:
 - (1) Village and Historic Districts – 20,000 sq. ft.
 - (2) Rural Districts – 60,000 sq. ft.
 - (3) Farm and Forest District – 200,000 sq. ft.
 - b. For planned residential developments that are restricted to residents 55 years of age and older by deed or other means satisfactory to the Planning Board, the minimum net residential densities in section 615.D.2.a may be increased by twenty percent (20%). ¹⁵⁶
 3. Maximum lot coverage. The total portion of the gross area of planned residential development covered by buildings, roads, driveways and structures shall be not more than twenty-five percent (25%).
 4. Maximum building height. No building shall exceed thirty-five 35 feet.

¹⁵⁵ Sections 615, 615.1 and 615.2 are deleted and a new section 615 is created/9-24-2008

¹⁵⁶ Added 4-4-2009

- 5. Individual lots. Individual lots shall not be allowed in a planned residential development. The overall lot or parcel, common structures therein, including roads, sidewalks, utilities and recreational facilities, that encompass this community, shall be owned in common by the residents.
- 6. Minimum building separation. All buildings and structures shall be separated by a minimum of ten (10) feet at the closest point unless fire protection codes require a greater separation.
- 7. Minimum setbacks. The setback provisions are designed to allow smaller, less intense buildings to be located near the perimeter of the planned residential development while requiring that any larger or intensely used buildings be more centrally located within the site. Therefore, the required minimum setback of buildings and structures shall vary depending on the use and height of the building.

- a. No building or part of a building shall be located within fifty (50) feet of the external perimeter of the overall site of the planned community. This required setback shall be maintained as a vegetative buffer strip in accordance with the landscaping requirements of section 615.K except for road, utility and similar crossings.
- b. The minimum setback from the external perimeter of the overall site that abuts an adjacent lot shall vary depending on the height and use of the building as follows

<u>Building Height and Use</u>	<u>Minimum Setback</u>
Residential and nonresidential buildings of not more than thirty (30) feet	50 feet
Residential and nonresidential buildings of not more than thirty-five (35) feet	100 feet

- c. Within the overall site, the setback from an internal street shall be thirty (30) feet from the right-of-way or 50 feet from the centerline of the paved traveled way if no right-of-way has been established.

- 8. Minimum open space. At least one third (1/3) of the gross area of the planned residential development shall be retained as common open space. Limited common areas designated for the exclusive use of individual building owners or occupants shall not be considered part of the common open space for purposes of satisfying the foregoing requirement. Areas designated as resource protection or subject to shoreland zoning shall be included within the common open space where feasible. Golf courses or other recreational facilities may be used for not more than forty (40%) of the required common open space with the balance in natural areas. Within this common open space, provisions for recreational use by the intended resident type shall be made. For example, if the development is intended for senior citizens, suitable recreational facilities may include, but are not limited to, trails, walkways, cart path and gazebos. If the development is intended for families with children, suitable recreational facilities may include, but are not limited to, playing fields, playgrounds, bikeways and pools. All residential units shall be laid out so that each unit has a relationship to the common open space. Common open space shall be protected in perpetuity by a recorded covenant, in a form approved by the director of community development. The recorded covenant must restrict uses of the common open space to those specified in the approved site plan and must provide for the maintenance of the common open space in a manner that assures its continuing use for the intended purpose.

- 9. Unit owner association. All dwelling unit owners shall be members of a unit owners association. Such association shall be established in a manner similar to and have comparable responsibilities to that described in section 613.10.

- L. The design of the planned residential development shall reflect an overall sense that the entire community is part of a single development with a pedestrian friendly scale. As such, the buildings shall convey a common character but need not be similar in either design or scale. Common elements, such as signs, lighting, site furniture and site improvements, shall be used where practical to establish a sense of community. Where appropriate, pedestrian, bicycle and cart linkages shall be provided to bring the elements of the planned residential development together and to link the development with systems on the perimeter of the site. Single- and two-family dwellings shall be sited to minimize the direct access of residential driveways onto existing public roads and the principal roads within the development. Provisions shall be made for creating landscaped or vegetative buffers at least 20 feet

wide between the various types of uses.

- M. Building orientation and buffers. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and south-facing slopes in accordance with an overall plan for site development and landscaping. Residential buildings shall be designed and laid out to protect bedroom windows from glare from headlights or outdoor lighting insofar as practical. Where parking or storage areas are located in areas near existing residential properties, they shall be buffered from view by a wood or vegetative screen at least four feet in height.
- N. Notwithstanding the provisions of section 507.1.G, the development plan for a planned residential development shall permit construction of more than one principal building on a lot without the buildings being sited in a manner that would allow the lot to be able to be divided into conforming lots with one building on each lot. No future subdivision of a lot containing more than one principal building shall be permitted.
- O. The development plan shall address the issues concerning parking area(s) for watercraft and recreational vehicles owned by residents.

Any recreational facilities included in the planned residential development shall be available for use by the residents of the development. Provisions for the long-term maintenance of these facilities shall be approved by the Planning Board.

I. Housing Standards.

- 1. Buildings shall include modulation along the building facades visibly facing public rights-of-way, private access driveways and roads, and private yards.
- 2. All residences shall be provided with a covered main entry porch to create a private outdoor space protected from the weather and provide a transition from the interior private residential space to the semi-private outdoor space. Covered porches shall be usable both in design and dimension. All residential covered main entry porches shall have a minimum floor area measuring sixty sq. ft. in size, having a minimum dimension of not less than five feet in any direction (length or width).
- 3. Housing development structures shall be provided with substantial uniform exterior trim elements. Roofs shall have eaves to efficiently shed rain and provide rain protection for exterior walls.
- 4. Horizontal facades longer than thirty feet shall be articulated into smaller units of the residential scale. At least two of the following methods shall be included:
 - a. Distinctive roof forms and wall forms or elements;
 - b. Changes in materials or patterns;
 - c. Windows shape, trim, pattern and/or details;
 - d. Color differentiation;
 - e. Recesses/offsets/cantilevers;
 - f. Architectural features (bays, awnings or lower roofs).
- 5. Variations in adjacent building height, side, rear and front yard setbacks are encouraged
- 6. When garage doors are facing the street or private driveways, they shall be set back at least twenty feet from the property line or sidewalk or edge of pavement of private street. The garage shall be set back a minimum of four feet from the face of the main structure. Where alley access is available or is provided within the development, vehicle access shall be from the alley with no curb cuts on the fronting street.
- 7. No dwelling unit shall have direct access onto an existing public road.

J. Lighting and Screening.

1. Streetlights located on private properties/roads shall have a maximum height of fourteen feet to the base of the luminaire, which shall be of cut-off design, and shall be maintained by the homeowners' association.
2. Trash receptacles having a capacity in excess of one cubic yard shall be screened from view from adjacent properties and public rights-of-way in accordance with city solid waste disposal policy.
3. Landscaping shall screen undesirable elements such as views to adjacent commercial or industrial development, utility equipment/boxes, outdoor storage areas, and dumpsters.

K. Landscaping.

1. Housing developments shall be designed to incorporate existing trees to the extent possible. New trees shall be located to create amenities in the common open space, private open space, provide shade where appropriate, to create separation between buildings when desired, and to screen and soften the perimeter of parking areas and street facing sides of housing units. Preservation of existing trees shall be provided. Trees are defined as any perennial woody plant with one main stem or multiple stems that supports secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and that has a caliper of six inches or greater measured four and one-half feet above the ground level. At the direction of the Planning Board, up to twenty-five percent (25%) of the native trees and other vegetation shall be preserved to the fullest extent possible and the overall site design shall take advantage of the location of existing trees as well as natural openings or clearings on forested sites.
2. Common areas and required buffer areas shall be landscaped in conformance with a landscaping plan that presents the location and quantity of all project plantings. The application for a planned residential development shall include a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Landscaping shall be considered an integral component of the approved project. The applicant shall replace within 30 days any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the code enforcement officer that site conditions require an alternative species of comparable size.

- L. Pedestrian circulation. A pedestrian circulation system is required. The system and its related walkways shall be separated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement unless the Planning Board determines that due to the nature of the development and the volume of traffic on the development's roadways, such separation is not necessary.

End of Chapter 6
