TOWN OF GOULDSBORO, MAINE

SUBDIVISION ORDINANCE

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SUBDIVISION ORDINANCE
TABLE OF CONTENTS

ARTICLE I. PURPOSE 3

ARTICLE II. AUTHORITY AND ADMINISTRATION 5
A. Authority 5
B. Administration 5

ARTICLE III. DEFINITIONS 5

ARTICLE IV. WAIVER AND MODIFICATION OF THESE REGULATIONS 11
A. Waivers 11
B. Exemptions 11

ARTICLE V. ADMINISTRATIVE PROCEDURE FOR SUBDIVISION REVIEW 12

ARTICLE VI. PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION 12

ARTICLE VII. SUBMISSION OF DOCUMENTS AND REVIEW SCHEDULE 13
A. Application 13
B. Public Hearing 14
C. Decision 15
D. Submissions 15
E. Application 15
F. Requests for Additional Information 18
G. Submission of Evidence After Approval 20
H. Final Approval and Filing 21
I. Plan Revisions After Approval 21
J. Guarantee, Security or Performance Bond 22
K. Public Acceptance of Streets, Recreation Areas 24
L. Certification of Compliance 25
M. Fees 25
N. Validity, Conflict of Ordinances, and Effective Date 26

ARTICLE VIII. INSPECTIONS AND ENFORCEMENT 26

ARTICLE IX. GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS 28
A. Plan Shall Conform to Comprehensive Plan 28
B. Plan Shall Conform to Shoreland Zoning 29
C. Relationship to Community 29
D. Preservation of Natural and Historic Features 29

E. Land Not Suitable for Development 31
F. Lots..... 31
G. Easements for Natural Drainage Ways 31
H. Utilities 32
I. Pollution..... 32
J. Soil Erosion..... 32
K. Traffic Conditions..... 32
L. Sewage Disposal..... 33
M. Impact on the Municipality's Ability to Dispose of Solid Waste..... 34
N. Impact on Ground Water Quality or Quantity..... 34
0. Phosphorus Loading..... 35
P. Additional Requirements..... 38
Q. Required Improvements..... 39

ARTICLE X. DESIGN STANDARDS..... 39
A. Monuments..... 39
B. Street Signs..... 39
C. Streets..... 39
D. Sidewalks..... 46
E. Water Supply..... 46
F. Storm Water Management Design Guidelines..... 47

ARTICLE XI. MOBILE HOME PARKS..... 48

ARTICLE XII. PHOSPHORUS EXPORT..... 48

ARTICLE XIII. CLUSTER DEVELOPMENT..... 49

ARTICLE XIV. APPEALS..... 49

ARTICLE XV. REVISIONS TO EXISTING PLAT OR PLAN..... 49

ARTICLE XVI. SEPARABILITY AND EFFECTIVE DATE..... 49

TOWN OF GOULDSBORO
SUBDIVISION ORDINANCE

Adopted:
Revised:

INTRODUCTION

The content of these regulations is based on the experiences of planning boards for both small and medium-sized towns in Maine over the past five years.

This Ordinance has been adopted in accordance with Title 30-A MRSA, Sections 4401-4407 as amended. It shall apply to all subdivisions as defined by said State law, including residential, commercial and industrial.

The purpose for this Ordinance is to establish an administrative review process which will provide the Gouldsboro Planning Board with sufficient evidence, data, and material to carry out its responsibilities as required by 30-A MRSA, Sections 4401-4407 as amended, the Gouldsboro Comprehensive Plan, Shoreland Zoning Ordinance, and other ordinances adopted by the Town. The Ordinance also has the purpose of providing a process by which the residents of Gouldsboro and others can evaluate the impact of the subdivision as well as providing clear procedure which applicants for subdivision permits shall follow.

It is the intention of this Ordinance to establish a process which requires only one application, one hearing and/or one decision in order to achieve a fair and expeditious review of all subdivision applications.

ARTICLE I. - PURPOSE

A. The Purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Gouldsboro, Maine, the Planning Board shall consider the following criteria and before granting approval shall affirmatively determine that the proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination it shall at least consider:
   a. the elevation of the land above sea level and its relation to the flood plains;
   b. the nature of soils and subsoils and their ability to adequately support waste disposal;
   c. the slope of the land and its effect on effluents;
   d. the availability of streams for disposal of effluents;
   e. the applicable state and local health and water resource rules and regulations.

2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

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

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

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

6. Will provide for adequate sewage waste disposal;

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

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

9. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the municipal reviewing authority is authorized to interpret these ordinances and plans;

10. Is developed by a subdivider who has adequate financial and technical capacity to meet the above stated standards;

11. Whenever situated entirely or partially within the watershed of any pond or lake, or within 250 feet of the normal high water line of any great pond, river or saltwater body, or within 250 feet of the upland edge of a coastal or freshwater wetland, or within 75 feet of the high water line of a stream, WILL NOT adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

13. The subdivider will make a preliminary determination, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the one hundred (100) year flood elevation and the flood hazard boundaries within the subdivision. On the plan the subdivider must include,

as a condition of plan approval, a warranty, binding the subdivider and all subsequent owners, that principal structures in the subdivision will be constructed
with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

14. Any coastal wetland, great pond, river, stream, brook and actual or potential freshwater wetland (all as defined in 38 M.R.S.A., Section 480-B) as amended within or abutting the proposed subdivision has been identified on any maps or plans submitted as part of the application.

15. Will provide for adequate storm water management.

16. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland, as these features are defined in Title 38 MRSA, Section 480-B as amended (or successor provisions thereof), none of the lots created within the subdivision shall have a lot depth to shore frontage greater than 5 to 1.

17. The long-term cumulative effect of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the subdivision.

B. Access to Direct Sunlight

When it is necessary to protect and assure access to direct sunlight for solar energy systems on adjoining property, the Planning Board may require the imposition of reasonable restrictive covenants on specified lots in the subdivision stating the height restrictions for structures and vegetation, and side yard and setback requirements, that may exceed those imposed by other town ordinances. Before imposing those covenants, the Planning Board shall receive supporting data regarding the extent of the "solar envelope" required for the adjoining property during changing daily and seasonal positions of the sun.

ARTICLE II. -AUTHORITY AND ADMINISTRATION

A. Authority

1. These standards have been prepared in accordance with the provisions of Title 30-A, MRSA, Sections 4401-4407 as amended.
2. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of Gouldsboro, Maine".

B. Administration

1. The Planning Board of the Town of Gouldsboro, hereinafter called the Board, shall administer these standards.

2. The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Gouldsboro.

ARTICLE III. - DEFINITIONS

In general, words and terms used in these standards shall have their customary dictionary meanings. Terms not specifically defined here below but defined in Title 30-A MRSA, Section 4401 et seq. as amended shall have the meanings therein stated. More specifically, certain words and terms used herein are defined as follows:

Acceleration Lane - A speed-change lane for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

Access - The ability to enter or leave a public street or highway from an adjacent driveway or another public street.

Access Management- The design and regulatory control of curb cuts and driveways to maintain highway and roadway safety and the traffic carrying capacity of an arterial and major collector road.

Applicant - The person applying for subdivision approval under these regulations.

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

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

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

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

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

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

Commercial Use - The use of lands, buildings, or structures, the intent and result of which activity is the production of income from the buying and selling

of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

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

Comprehensive Plan or Policy Statement - Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, M.R.S.A., Section 4326.

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

Construction Drawings - Drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground power ducts and underground telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

Cul-de-sac- A local street, one end of which is closed and consists of a circular turn-around.

Density - The number of dwelling units per acre of land.

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

Direct Watershed of a Great Pond - That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the board and the applicant cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the board with information from a registered land surveyor showing where the drainage divide lies.

Driveway - A vehicular accessway serving two dwelling units or less.

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

Easement- The grant by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer- Municipal Engineer or consulting engineer licensed by the State of Maine.

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

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

Great Pond - Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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

100 Year Flood – The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

High Water Mark:

Coastal Waters- The elevation at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant. By way of illustration, salt tolerant vegetation includes, but is not limited to: salt marsh grass, salt meadow hay, black arrowgrass, seaside lavender, silverweed, salt marsh bullrush, seaside plantain, orach, salt marsh edge,

salt marsh aster. In places where vegetation is not present, the high water mark shall be the identifiable debris line left by non-storm tidal action. On a sand dune, the high water mark shall be the mean seaward limit of salt tolerant vegetation. Inland Waters - That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Home Occupation -An occupation or profession which is carried out on or in a residential structure, accessory structure or property by the occupants of the dwelling and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses and 2) employs no more than two (2) persons other than family members residing in the home. By way of illustration and not limitation, the term home occupation shall include making foods, such as breads, cookies, or preserves, rugs, birdhouses, fishing flies and quilts. The term "home occupation" shall also include both professional and personal services offered for remuneration.

Legislative Body - Special or regular Town meeting.

Level of Service - A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition, published by the national academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Lot - Any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clearly separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single family residence, not intended for human occupancy. Included under this definition of lot would be any multi family dwelling, apartments, mobile home sites, campsites, trailer sites, recreational vehicle sites, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.

Mobile Home Park - A parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes, as defined in 30-A MRSA, Section 4358 (1)(A) as amended.

Mobile Home Park Lot - The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

Mobile Home Subdivision or Development - A parcel of land approved by the municipal reviewing authority under Title 30-A, MRSA, Section 4401 et seq. as amended, for the placement of manufactured houses on individually owned lots.

Multifamily Development - A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Municipal Engineer- Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

Municipality - Town of Gouldsboro, Maine.

Net Residential Acreage - The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Section Article IX, Section E.

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

Official Map - The map adopted by the Municipality showing the location of public property, ways used in common by more than two owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

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

Planning Board - The Planning Board of the Municipality created under Article 33, Town of Gouldsboro Ordinance, enacted March 1969.

Principal Structure - Any building or structure in which the main use of the premises takes place.

Resubdivision - The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

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

Roadbed - General term denoting the foundation and the surface of the road.

Roadside - General term denoting the area adjoining the outer edge of the roadway. Roadway - That portion of the highway within the limits of construction.

Shoulders - That portion of the roadway lying immediately outside of the pavement.

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

Sketch Plan - Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

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

Street Classification:

Arterial Street - A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: U.S. Route 1

Collector Street - A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

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

Industrial or Commercial Street- Streets servicing industrial or commercial uses.

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

Private Right-of-Way - A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision- A subdivision is the division of a parcel of land into three (3) or more lots within a five (5) year period. The division of a new structure or structures, or an existing structure previously used for commercial or industrial purposes, into three (3) or more dwelling units is a subdivision. The construction or placement of three (3) or more dwelling units on a parcel of land within a five (5) year period is a subdivision.

Subdivision Application - The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, must be filed for record with the Municipal Clerk and

County Registry of Deeds and must comply with all requirements of Article V of this Ordinance.

Subgrade - That portion of the roadway upon which the base and shoulders are constructed. Surface Treatment - Any bituminous treatment applied on the surfacing course, such as a tarred surface pavement applied at a rate of one gallon per square yard with at least two (2) inches of penetration.

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

Tract or Parcel of Land - All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Usable Open Space- That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

Water-Related Terms:

The following terms have the meanings established in 38 M.R.S.A., Section 436-A and Section 480-B:

Coastal Wetlands River	Freshwater Wetlands
River, Stream or Brook	Great Ponds
High Water Line	Significant Wildlife Habitat

ARTICLE IV. –WAIVER AND MODIFICATION OF THESE REGULATIONS

A. Waivers

1. Waivers of Submission Requirements

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations.

2. Waiver of Required Improvements.

   Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

3. Conditions.

   Waivers may only be granted in accordance with Sections IV.1 and IV.2. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

4. Waivers to be shown on final plan.

   When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deeds within 90 days of plan approval, shall indicate the waivers granted and the date on which they were granted.

B. Exemptions

This section shall not apply to proposed subdivisions approved by the Planning Board or the municipal officials prior to September 23, 1971 in accordance with laws then in effect nor shall it apply to subdivisions as defined by this section in actual existence on September 23, 1971 that did not require approval under prior law or to a subdivision as defined by this section, a plan of which had been legally recorded in the registry of deeds prior to September 23, 1971. The division of a tract or parcel as defined by this section into three (3) or more lots and upon all of which lots permanent dwelling structures legally existed prior to September 23, 1971 is not a subdivision. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this section, shall not become subject to this section by the subsequent dividing of a said tract or parcel of land or any portion thereof; however, the municipal reviewing authority shall consider the existence of such previously created lot or lots in reviewing a proposed subdivision created by such subsequent dividing.

ARTICLE V. -ADMINISTRATIVE PROCEDURE FOR SUBDIVISION REVIEW

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. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the

agenda, and posted at the municipal offices. Subdivision applicants shall request to be placed on the Board's agenda at least ten days in advance of a regularly scheduled meeting by contacting the Chairperson. Subdivision 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. However, the Board shall take no action on any application not appearing on the Board's written agenda.

ARTICLE VI. - PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION

1. Purpose

   The purpose of the preapplication 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.

2. Procedure
   a. The applicant shall present the Preapplication 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.

3. Submission

   The Preapplication 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 and may be a free-hand penciled sketch, 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. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s)on which the land is located. The Sketch Plan shall be accompanied by:

   a. 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. For subdivisions of ten units or more in the Rural-Residential areas, as defined by Gouldsboro's Land Use Ordinance, a sketch showing how the subdivision could be developed as a cluster and as a conventional subdivision.

4. Contour Interval and On-Site Inspection

Within thirty days of the preapplication meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot comers, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5. Rights not Vested

The preapplication meeting, the submittal or review of the 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., 302.

6 Establishment of File

Following the preapplication meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the preapplication meeting and application shall be maintained in the file.

ARTICLE VII. - SUBMISSION OF DOCUMENTS AND REVIEW SCHEDULE

A. - Application

1. Within six months after the on-site inspection by the board, the applicant shall submit an application for subdivision approval at least ten days prior to a scheduled meeting of the board. Applications shall be submitted by mail or delivered by hand to the Town Manager or Town Clerk who shall forward it immediately to the Chairman of the Planning Board who shall issue to the applicant a dated receipt. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the board.

2. Upon receiving a **completed** application, the municipal reviewing authority shall notify the following by mail of the proposed subdivision: all abutting property owners and other owners of property within one thousand (1000) feet of the boundaries of the proposed subdivision, the clerk and the reviewing authority of municipalities that abut or include any portion of the proposed subdivision. The notice shall specify the location of the proposed subdivision and shall include a general description and site location map of the project.

3. Within thirty (30) days from the date of receipt, the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to make a complete application.

Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the criteria of 30-A MRSA, Section 4404 as amended, or the Gouldsboro Ordinance. The Planning Board shall make a determination as to the completeness of the application only once. The applicant assumes all risks as to its completeness for all subsequent applications.

4. After the Planning Board has determined that the complete application has been filed, it shall notify in writing the applicant, Selectmen, Fire Chief, Conservation Commission, Code Enforcement Officer, Superintendent of Schools, Bangor Daily News, Ellsworth American and any others. Said written notice shall briefly describe the proposed subdivision, state where the application may be inspected, and give notice that requests for a public hearing must be filed in writing to the Chairperson of the Planning Board within ten (10) days from the date of the notice. The Planning Board may then begin its full evaluation of the proposed subdivision.

B. - Public Hearing

Within fifteen (15) days of the notice of the receipt of the complete application, the Planning Board shall determine whether it shall hold a public hearing on an application. The decision to hold a public hearing is discretionary, and in making its decision the Planning Board may consider the size and type of subdivision, community impact, as well as written requests for a public hearing.

In the event that the Planning Board determines to hold a public hearing, it shall hold such hearing within thirty (30) days of the notice of the receipt of a completed application and shall cause written notice of the date, time and place of the hearing to be given to the applicant and all parties receiving the notice in Article VII, Section A, and all parties who requested a public hearing in writing and in addition shall cause a notice to be published in a newspaper of general circulation in Gouldsboro at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

C. - Decision

The Planning Board shall, within thirty (30) days of a public hearing or within sixty (60) days of the notice of the receipt of a completed application if no hearing is held, or within such other time limits as may be otherwise mutually agreed to between the applicant and the Planning Board, issue an order denying or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria in Article I and other parts of this ordinance, and other requirements of the ordinances and Comprehensive Plan of the Town of Gouldsboro, and to protect and preserve the public's health, safety and general welfare.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed subdivision does or does not meet the criteria of 30-A

M.R.S.A., Section 4404, the ordinances and Comprehensive Plan of the Town of Gouldsboro and the regulations of the Planning Board.

In all instances, the burden of proof, persuasion and production of documents and data shall be upon the applicant. If the initial approval or any subsequent amendment of the subdivision is based in part on the granting of a variance, the subdivider must comply with 30-A M.R.S.A., Sec. 4406, Subsection 1, Paragraph B.

D. - Submissions

The applicant and all other parties shall submit four (4) copies of all documents, maps and other written or printed material.

E. - Application

The application shall consist of the following:

1. Location Map

A Location Map to be drawn at a scale of not over four hundred (400) feet to the inch to show the relationship of the proposed subdivision to the adjacent properties and to the general surrounding area and which shall show at least all the area within two thousand (2,000) feet of any property line of the proposed subdivision. Within such area the Location Map shall show:

a. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the maps and other documents.

b. Date, magnetic north point, graphic scale and grid points.

c. All existing and proposed approximate property lines together with the names and mailing addresses of all owners of land on record for any property within one thousand (1000) feet of the boundaries of the proposed subdivision.

d. Locations, widths, and names of existing filed or proposed streets, easements, and rights-of-way.

e. The boundaries and designations of zoning districts and parks or other public lands.

f. The location and property lines of all land to which the applicant has any title, right or interest in addition to the proposed subdivision, an indication of the future probable street system of the subdivider's entire holding, gravel pits and other existing excavations, and the sites of any future sources of gravel or fill.

g. The location of all surface water bodies, fresh water wetlands regardless of size, coastal wetlands, rivers, streams, brooks, natural drainage ways and culverts within or abutting the subdivision, which shall be identified with arrows indicating direction of flow; wooded and open space areas; registered farm lands, and existing buildings, utility lines, hydrants, fire ponds and dry

hydrants, water and sewer lines. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

h. The location of sensitive areas including identified gravel and bedrock groundwater aquifers and recharge areas; the watershed boundaries of potable water supplies; the one hundred year floodplain as identified by the U.S. Department of Housing and Urban Development Flood Plain Insurance Program; slopes greater than fifteen (15) percent; highly erodible soils; non-discharge soils as defined by the State Plumbing Code; fragile or irreplaceable natural areas; historic and archaeological sites; areas of scenic and natural beauty; areas of significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the municipality.

2. Subdivision Plan

The Subdivision Plan shall be submitted in maps, drawings, overlays, or other documents with all dimensions shown in feet or decimals of a foot, drawn to a scale of one inch equals not more than one hundred (100) feet showing or accompanied by the following information:

a. Proposed subdivision name or identifying title and the name of the municipality plus the assessor's map and lot numbers.

b. Name and address of record owner of the subdivision and the subdivider if different.

c. Name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan and date the plan was prepared.

d. Number of acres within the proposed subdivision, date, magnetic north point, grid points and graphic scale.

e. Contour map of the subdivision drawn with contour lines at intervals of not more than five (5) feet based on the United States Geological Survey datum or other data of existing grades.

f. Proposed lot lines with approximate dimensions and locations of buildings.

g. Location of temporary markers adequate to enable the Board to locate readily and evaluate the basic layout in the field.

h. All parcels of land proposed to be dedicated to public use or to be commonly owned by the purchasers of land in the subdivision and the conditions of such dedication.

i. Names and addresses of all owners of land on record for any property within 1,000 feet of subdivision boundaries.

j. Location of existing buildings; natural features including ponds, streams, rivers, natural drainage ways within or abutting the subdivision; coastal wetlands; freshwater wetlands regardless of size; wooded and open space areas; ledges; rock outcroppings and gravel pits; other existing excavations and the sites of any future sources of gravel or fill within the subdivision.

k. Location of sensitive areas including identified gravel and bedrock aquifers and recharge areas; the watershed boundaries of potable water supplies; the one hundred year flood plain as identified by the U.S. Department of Housing and Urban Development Flood Insurance Program; slopes greater than fifteen (15) percent; highly erodible soils; non-discharge soils as defined by the State Plumbing Code; fragile or irreplaceable natural areas; historic and archaeological sites; areas of scenic or natural beauty; and areas of significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife, the municipality, or the comprehensive plan.

l. Soils report and high intensity soils survey prepared and signed by a soils scientist, identifying the soils names and soils boundaries in the proposed development. There shall be at least one soil test per lot.

m. Location, names and widths of existing and proposed streets, highways, easements and rights-of-way, including grades and street profiles of all streets or other public ways proposed by the subdivider.

n. Location and size of any existing water lines, sewer lines, utility lines, hydrants, fire ponds, culverts and drains on the property to be subdivided.

o. Location of all proposed on-site sewage disposal systems and/or proposed sewer lines and their profile.

p. Location of all proposed water lines, wells, reservoirs or other facilities.

q. Provisions for collecting and treating storm drainage waters in the form of a Drainage Plan prepared by a Registered Professional Engineer in accordance with the latest revised edition of Technical Release 55, Urban Hydrology for Small Watersheds, published by the U. S. Soil Conservation Service, which includes all proposed facilities, such as culverts, catch basins, and detention or infiltration basins.

r. A Soil Erosion and Sedimentation Control Plan, prepared in accordance with the standards contained in the latest revised edition of the Environmental Quality Handbook published by the U. S. Soil Conservation Service for construction and for permanent control. This may be incorporated into the Drainage Plan.

s. Indication of the sections of the subdivision and the dates of their phased construction, if the subdivision is to be constructed over a period of more than two years.

t. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and evidence that the applicant has financial commitments or resources to cover these costs. A separate list of construction and maintenance items that may be required by the development, with both capital and annual operating cost estimates, that may be financed by the municipality, which shall include, but not be limited to:

Schools, including busing
Road maintenance and snow removal
Police and fire protection Solid waste disposal Sewer system
Recreation facilities
Storm water management facilities

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

u. The location and method of disposal from land clearing and demolition debris.

3. Documents

When connection to the water district is not possible, all water supply facilities shall be shown to meet the minimum specifications of all pertinent State laws and regulations and all ordinances of the Town of Gouldsboro. The subdivider shall provide evidence as to the expected flow rate for these facilities which will satisfy the reasonable foreseeable needs of the proposed subdivision and, in addition, the location of all water available for firefighting shall be shown including existing and proposed fire ponds with the location of dry hydrants when specified.

Where available and feasible, the subdivision shall use the treatment facilities of the municipality. The subdivision's sewer system design shall be accompanied by certification from the municipality that they approve the design and will permit connection.

Evidence must be provided showing that the subdivider has adequate financial and technical capacity to meet the requirements of 30-A MRSA, Section 4404 as amended, and the Town of Gouldsboro ordinances and Comprehensive Plan. The subdivider shall also provide evidence of financial and technical capability for the adequate operation and maintenance of all private multiple-system waste disposal and storm drainage facilities.

The subdivider may submit any additional plans, maps, documents, evidence, or data that he/she may consider relevant to the application.

F. -Requests for Additional Information

Prior to its final decision, the Planning Board may request evidence and documentation in addition to that required in the application as provided for in Article VII, Section A. This additional information may include:

1. Impact on Community and Transportation Services

The Planning Board may request any additional information they deem necessary regarding the subdivision's effect upon existing services and facilities, as detailed in Article VII, Section E(2)(+)

2. Impact on Sensitive Natural and Cultural Resources

a. The Planning Board may request as a condition of approval and prior to its decision that the developer submit an assessment of the expected impacts of the subdivision on sensitive natural and cultural resources, which shall include but not be limited to:

- Surface water bodies
- Identified gravel and bedrock groundwater aquifers and recharge areas
- One hundred year floodplain as identified by the H.U.D. Flood Insurance Program
- Slopes greater than fifteen percent
- Highly erodible soils
- Non-discharge soils as identified by the State Plumbing Code
- Fragile or irreplaceable natural areas
- Historic and archaeological sites
- Visual character and areas of scenic or natural beauty
- Significant wildlife habitat as identified by the Dept. of Inland Fisheries and Wildlife or the municipality

3. Impact on Phosphorus Loading

If any portion of the proposed subdivision is in the direct watershed of a great pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan:

a. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control In Lake Watershed: A Technical Guide for Evaluating New Development,* published by the Maine Department of Environmental Protection, revised September 1992 as amended. The analysis and control plan shall include all engineering calculations, and construction specifications and diagrams for control measures, as required dby the *Technical Guide.*

b. A long-term maintenance plan for all phosphorus control measures.

c. The contour lines shown on the plan shall be at an interval of no less than five feet.

d. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

4. Recreation Area

Depending on the size and location of the subdivision, the Planning Board may request that the developer propose a plan for the provision of land area for recreational use.

Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreational purposes, such as a playground or a play field, should be relatively level and dry. Sites selected primarily for scenic or passive recreation purposes shall have suitable access. The configuration of such sites shall be adequate with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts etc. where necessary and appropriate.

5. Buffer Area

The Planning Board may request as a condition of approval and prior to its decision that the developer provide buffer areas when a proposed subdivision is located adjacent to a use where separation is desirable.

6. Landscaping

The Planning Board may request as a condition of approval and prior to its decision that the proposed subdivision design include: a landscape plan that will show graded contours and streams; the reasonable preservation of vegetation; the replacement of trees and vegetation; the planting of buffer areas; and the preservation of scenic, historic or environmentally desirable areas. Provisions for adapting the street and lot layout to the topography and avoiding extensive grading and filling as far as possible may also be requested.

7. Covenants, Deeds, Leases, Etc.

The Planning Board may request as a condition of approval and prior to its decision that the subdivider submit for review and approval copies of all proposed deeds; leases; restrictive covenants; easements; landowner association agreements and corporate papers; contracts; any documents, existing or proposed, which may determine or affect the land and the uses of the land in the subdivision; deeds to commonly held land; deeds and covenants to land to be held by the subdivider; deeds offering to convey land to the Town of Gouldsboro, or its agencies; or to the State of Maine, its agencies or departments; or to Hancock County or any other public body; or to any private organization or corporation.

G. -Submission of Evidence After Approval

The Planning Board may require the subdivider to submit the following evidence, data, and documents as a condition of approval and prior to the signing of the approved plan:

1. Sufficient data to determine readily the location, bearing and length of every street line, lot line and boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.
2. The length of all straight lines, the deflection angle, radii, length of curves and central angles of all curves, tangent distances, and tangent bearings for each street.
3. By proper designation, all public open space for which offers of conveyance are made by the subdivider and those spaces to which title is reserved by him.
4. Written offers of conveyance to the Municipality of all public open space shown on the Plan, and copies of agreements or other documents listed in paragraph G.2 and F.(7).
5. Written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents referred to in paragraph 4 above regarding the land to be offered for conveyance to the Town. Such written evidence shall not constitute an acceptance by the Municipality of any public open space referred to in paragraph 4 above.
6. A plan of the approved subdivision including all the information required by Section VII of this Ordinance and in addition suitable space to record on the approved plan the date and conditions of approval if any. Said space shall be similar to the following example: Approved: Town of Gouldsboro Planning Board

Signed Chairperson

_____

_____

_____

_____

Date_____

Conditions _____

H. -Final Approval and Filing

Upon completion of the requirements of this Ordinance and documentation through a written Findings of Fact and Conclusion of Law with an approved vote by the majority of the Planning Board members, and a notation to that effect upon the Plan, the Subdivision Plan shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed with the Hancock County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void. Any Subdivision Plan filed with the Municipal Officers and the Hancock County Register of Deeds that is not initiated within three (3) years after approval by the Planning Board shall become null and void.

At the time the Planning Board grants Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Municipal Officers and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Municipal Officers, Planning Board and the subdivider.

Approval of a Plan is not transferable to any other party without the prior consent of the Planning Board.

I. -Plan Revisions After Approval

1. No changes, erasures, modifications, or revisions shall be made in any Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Planning Board approves of any modifications. In the event that a Plan is recorded without complying with this requirement, the same shall be considered null and void.

2. Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the Planning Board shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of 30-A MRSA, Section 4404 as amended.

3. If a subdivision plat or plan is presented for recording to a Register of Deeds and that plat or plan is a revision or amendment to an existing plat or plan, the Register shall indicate on the index for the original plat or plan that it has been superseded by another plat or plan and shall reference the book and page or

cabinet and sheet on which the new plat or plan is recorded. In addition, the register shall insure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan.

J. -Guarantee, Security or Performance Bond

1. The Board may require as a condition of approval that the subdivider file with the Board at the time of approval and prior to any construction a performance guarantee in an amount sufficient to defray all expenses of the proposed improvements - taking into account the time span of the construction schedule and the inflation rate for construction costs - including but not limited to streets, sidewalks, utilities, storm drains, landscaping, and publicly held open space. The Board will accept one or more of the following forms 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 municipal engineer, road commissioner, municipal officers, and/or municipal attorney.

2. Contents of Guarantee

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, construction delays 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.

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 any account

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.

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.

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.

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 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 Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Article VII.J.8.

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 approval to

those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

8. Release of Guarantee
   Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the municipal engineer 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.

9. Default

   If upon inspection, the municipal engineer or other qualified individual retained by the Board and paid for by the subdivider's trust account provided for in Article (VII).N.2. 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 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.

10. Improvements Guaranteed

    Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and 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.

11. Extension

    The Board may recommend a maximum extension of 12 months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. An additional extension of 12 months may be granted at the planning board's discretion for good cause, provided that at least 30 percent of the development is complete.

K. - Public Acceptance of Streets, Recreation Areas

The approval by the Planning 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, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Plan shall be endorsed with appropriate notes to this effect. The Planning

Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deeds and title matters, dedications, and provision for the costs of grading, development, equipment for and maintenance of any such recreation area.

L. -Certification of Compliance

No parcel, lot or structure shall be conveyed, leased, or occupied or offered for sale, conveyance, lease or occupancy without certification from the Planning Board that all the terms of the subdivision's approval have been complied with by the subdivider. This certificate may be issued for the various phases of completion.

M. -Fees

1. Application Fee

Every application for a subdivision permit shall be accompanied by an application fee of **one hundred dollars ($100)** to be paid by a check made payable to the Town of Gouldsboro, stating the specific purpose of the fee.

2. Subdivision Trust Account Fee

Every application for a subdivision permit shall also be accompanied by the payment of one hundred dollars ($100) for each parcel or lot, or for each dwelling or commercial unit, or for every two thousand (2,000) square feet of structure within the subdivision, or whichever results in the largest total. For the purpose of this section, "structures" shall mean floor space of buildings, including mobile homes, constructed or erected with a fixed location on or in the ground or attached to something on or in the ground and in addition shall include parking lots, roads, paved areas, wharves, gravel pits, ponds, or areas to be stripped, filled or graded and not be revegetated. The checks shall be made payable to the Town of Gouldsboro.

The Town Treasurer shall deposit the subdivision's Trust Account fee in a special interest-bearing bank account separate from any and all other municipal accounts.

Upon request by the Chairman of the Planning Board and with the approval of the Board of Selectmen and the Town Treasurer, may from time to time withdraw from the trust account in order to make reasonable payment for costs, expenses and services incurred by or contracted for the Planning Board at its discretion which relate directly to the review of the subdivision under the terms of these regulations; which relate directly to the inspection of the subdivision after approval; or which relate directly to the efforts of the Planning Board and Municipal Officers to assure that the subdivision complies with these regulations, 30-A MRSA, Section 4404 as amended, and the ordinances of the

Town of Gouldsboro. Such services may include, but need not be limited to, postage, public notice advertising, clerical costs, consulting engineering fees, architectural fees, attorney fees, recording fees, and appraisal fees. The Town shall, upon the request of the subdivider, provide the subdivider with a quarterly accounting of this account and the Town Treasurer shall refund all of the remaining monies, including any accrued interest, in the account upon the payment of all costs and services related to the subdivision and upon the subdivision application denial or if approved upon the subdivision's completion and compliance with all the terms of required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he\she shall so report in writing to the municipal officers, Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans. these regulations, ordinances of the Town of Gouldsboro and conditions of approval of the subdivision. The refund shall be accompanied by a final accounting by the Treasurer.

The subdivider shall be liable for reasonable costs incurred by or costs of services contracted for by the Planning Board which exceed the amount of the Trust Account Fee.

N. -Validity, Conflict of Ordinances, and Effective Date

1. The invalidity of any section, subsection, paragraph, sentence, clause, phrase or work of this Ordinance shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase, or work of this Ordinance; and to this end the provisions of this Ordinance are hereby declared to be severable.

2. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance, regulation, or code of the Town of Gouldsboro existing on the effective date of this ordinance, the provision which established the higher standard for the promotion and protection of health, safety and general welfare shall prevail.

3. This Ordinance and its provisions as amended shall take effect immediately upon adoption as provided for in 30-A MRSA, Section 4403 as amended.

ARTICLE VIII. -INSPECTIONS AND ENFORCEMENT

1. Inspection of Required Improvements.

A. -At least five business 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 (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

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, he/she shall so report n writing to the municipal officers, 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 Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Board to modify the plans.

D. -At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By 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 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 professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.

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.

2. Violations and Enforcement.

A. No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until said Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standard, and construction specifications set forth elsewhere in this Ordinance, nor until such approval shall have been entered on such Plan by the Planning Board.

B. No person, firm, corporation or other legal entity may sell, lease, develop, build upon, convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.

C. Any person, firm, corporation or other legal entity who sells, leases, develops, builds upon, or conveys for consideration any land or dwelling unit in a subdivision which has not been approved as required by this section shall be penalized in accordance with 30-A M.R.S.A., Section 4452. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

D. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot or dwelling unit in a subdivision for which a Plan has not been approved by the Planning Board and unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

E. Not only is making a subdivision without Planning Board approval a violation of law, but so also within such subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in these standards, and until the original

Copy of the Plan so approved and endorsed has been duly recorded in the Hancock 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 these regulations up to and including the entire frontage of the lot.

G. Any person who, after receiving approval from the municipal reviewing authority and recording the plan at the Registry of Deeds, constructs or develops the subdivision, or transfers any lot, in a manner other than depicted on the approved plans or amendments shall be penalized in accordance with 30-A MRSA, Section 4452 as amended.

H. Permanent Marker Requirement - No person may sell or convey any land in an approved subdivision without compliance with Article X, Section A of this Ordinance.

ARTICLE IX. - GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

A. - Plan Shall Conform to Comprehensive Plan

Any proposed subdivision shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

B. - Plan Shall Conform to Shoreland Zoning

Any proposed subdivision shall conform to all applicable State laws and to the Shoreland Zoning Ordinance for the Town of Gouldsboro when situated, in whole or in part, within 250 feet of the high water line of any great pond, lake, river or tidal waters, or contains a stream as defined under Title 38 MRSA, Sections 438 as amended.

C. -Relationship to Community

Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Plan shall include but not be limited to the list of construction items as specified under Article V, Section E(2)(T).

D. - Preservation of Natural and Historic Features

1. Preservation of Natural Beauty and Aesthetics

a. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

b. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.

c. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.

d. When a proposed subdivision street traverses open fields the plans shall include the planting of street trees.

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

a. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.

b. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

c. If any portion of the subdivision is designated a site of historic or prehistoric importance by the 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.

d. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the municipality in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.

e. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

f. Reserved open space land may be dedicated to the municipality.

g. Where land within the subdivision is not suitable or is insufficient in amount, where the applicant prefers, or when suggested by the comprehensive plan, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved open space that otherwise would be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

3. Protection of Significant Wildlife Habitat

If any portion of a proposed subdivision lies within:

a. 250 feet of the following areas identified and mapped by the Maine Department of Inland Fisheries and Wildlife or the comprehensive plan as:

1. Habitat for species appearing on the official state or federal lists of endangered or threatened species;

2. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

3. Shorebird nesting, feeding and staging areas and seabird nesting islands;

4. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or

5. 1,320 feet of an area identified and mapped by the Maine Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;

6. Or other important habitat areas identified in the comprehensive plan including coastal wildlife concentration areas,

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 from the Maine Department of Inland Fisheries and Wildlife 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.

4. 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.

E. -Land Not Suitable for Development

The Board shall not approve such portions of any proposed subdivision that:

1. Are situated below sea level.

2. Are located within the flood plain as identified by the Planning Board and on record at the Planning Board Office.

3. Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled tidal wetlands or filled or drained Great Ponds (natural body of water ten (10) acres or more in size).

4. Employs septic sewage disposal and is located on soils rated "poor" or "very poor" by the Soil Suitability Guide for Land Use Planning in Maine. Lots used for on-site sewage disposal shall meet or exceed the lot size guidelines for soil types and slopes as specified in Appendix I of "State of Maine Plumbing Code, Part II, Private Sewerage Disposal Regulations", April 1975, or as amended.

F. -Lots

1. The lot size, width, depth, shape and orientation and the minimum building setback lines from streets, sidelines, or boundaries shall be appropriate for the location of the subdivision, consistent with all state statutes and Town of Gouldsboro ordinances and for the type of development and use contemplated.

2. Depth and width of properties reserved or laid out for any purpose shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.

3. The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage of 100 feet on a public or private street abutting or within a subdivision unless stricter standards are required by other town ordinances.

4. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

5. Side lot lines shall be substantially at right angles or radial to street lines.

6. Where a tract is subdivided into lots substantially larger than the minimum size required herein, the Board may require that streets and lots be laid out so as to permit

future resubdivision in accordance with the requirements contained in these standards.

7. All comers of individual lots shall be **located by a state certified engineer or surveyor and** marked with iron stakes **or approved markers as defined by the industry.**

G. -Easements for Natural Drainage Ways

Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course and such width or construction, or both, as will assure that no flooding occurs and all storm-water be not less than thirty (30) feet in width.

H. -Utilities

1. The size, type and location of public utilities such as street lights, electricity, telephones, gas lines, fire hydrants, dry hydrants, sewer or septic lines shall be provided by the subdivider and shall be approved by the Board.

2. Utilities shall be installed underground except as otherwise approved by the Board.

I. - Pollution.

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

2. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

J. - Soil Erosion.

1. The proposed subdivision shall prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.

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

3. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

K. -Traffic Conditions.

1. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

a. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;

b. Avoid traffic congestion on any street; and

c. Provide safe and convenient circulation on public streets and within the subdivision.

2. More specifically, access and circulation shall also conform to the following standards.

a. The vehicular access to the subdivision shall be arranged to avoid through traffic use of existing streets which the comprehensive plan has classified as residential access streets.

b. 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 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, bicycleways and traffic controls within existing public streets.

4. Accessways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-tum storage lane shall be done.

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 comprehensive plan; or in non-residential subdivisions when such access shall be provided if it will:

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. Street Names, Signs and Lighting

Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic

resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. 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.

7. 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.

L. - Sewage Disposal

1. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge.

2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

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

   b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
   c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

M. - Impact on the Municipality's Ability to Dispose of Solid Waste

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

N. -Impact on Ground Water Quality or Quantity

1. Ground Water Quality.

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

      i. A map showing the basic soils types.

      ii. The depth to the water table at representative points throughout the subdivision.

      iii. Drainage conditions throughout the subdivision.

      iv. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

      v. 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 mmlmum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.

      vi. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

3. 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.

4. 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.

5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

a. Ground Water Quantity

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.

0. Phosphorus Loading

1. Phosphorus Impacts on Great Ponds

A. Phosphorus Export

1. Any subdivision within the watershed of a great pond identified in the table below shall limit its post development phosphorus export to the standards contained in that table, dependent on the great pond in whose watershed the subdivision is located.

Table 1: Lake Watershed Protection Standards

	Water Quality Protectio		Developable Acreage	Projected Developed Acreage	Allowable Phosphorus Export/Acre
Forbes Pond	moderate/		2,605	390.705	0.0686
Jones Pond	moderate/		1,805	270.81	0.1106
Lily Pond	moderate/	medium	211	31.59	0.0731
Lower West Bay Pond	moderate/ sensitive		1,226	183.84	0.1005
West Bay	moderate/	medium	1,322	198.36	0.0713

The board shall keep an accurate record of permits Issued by watershed and shall notify the comprehensive planning committee of the actual development rates at five year intervals, as the comprehensive plan is revised. The above table shall be amended as required by amendments to the comprehensive plan, reflecting changes in expected development rates.

2. Simplified Phosphorus Review

The simplified review may be used for a:

a. Proposed subdivision of three of four lots with less than 200 feet of new or upgraded street with a cumulated driveway length not to exceed 450 feet for a three lot subdivision or 600 feet for a four lot subdivision;

b. Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions; or

c. Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

A proposed subdivision which creates lots which could be further divided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

3. Standard 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. 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.

1. Wooded Buffers

Maintenance provisions for wooded buffers shall provide for either of the following two options.

(a) No Disturbance

Maintenance and use provisions for wooded buffer strips which are located on hydrologic soil group D soils and within 250 feet of the great pond or a tributary, or which are located on slopes over 20% shall include the following.

(1) 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.

(2) All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.

(3) Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.

(4) No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.

(5) Buffers shall not be used for all-terrain vehicle or vehicular traffic.

b. Limited Disturbance

Maintenance and use provisions for other buffer strips may include the following:

(1) There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained.

(2) Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four 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.

(3) Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than

six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.

(4) Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.

(5) 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 feet in height unless existing new tree growth is present.

(6) Buffers shall not be used for all terrain vehicle 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 which shall be mowed no more than once a year. 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 vegetation shall be prohibited.

(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. 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, unless the municipality or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity 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.

P. - Additional Requirements

1. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.

2. The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least 20 feet wide between abutting properties that are so endangered.

Q. - Required Improvements

The following are required improvements: monuments, street signs, streets, sidewalks, water supply, sewerage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these standards.

ARTICLE X.-DESIGN STANDARDS

A. - Monuments

1. Permanent monuments shall be set at all comers and angle points of the subdivision boundaries; and at all street intersections and points of curvature.

2. Monuments shall be concrete or stone, located in the ground at final grade level, and indicated on the Final Plan. After they are set, drill holes 1/2 inch deep shall locate the point or points described above.

3. All comers of individual lots shall be marked with iron stakes.

B. - Street Signs

1. Streets which join or are in alignment with streets of abutting or neighboring

properties shall bear the same name. Names of new streets shall not duplicate, or bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

2. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be subject to the approval of the Board.

C. -Streets

Access Control

1. Curb cuts onto existing public ways shall be minimized to assure traffic safety and reduce turning movements. Whenever practical, vehicular access shall be through a street other than an existing public way.

   Where a subdivision abuts or contains an ex1stmg or proposed arterial street, no residential lot may have vehicular access directly on the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

3. Subdivision Access Design for Subdivisions Entering onto Route 1.

   When the access to a subdivision is a street, the street design and construction standards of Section X.C.3 below shall be met. Where there is a conflict between the standards in this section and the standards of Section X.C.3, the stricter or more stringent shall apply.

   a. General

      Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the *Trip Generation Manual,* 1991 edition, published by the Institute of Transportation Engineers.

      1. Low Volume Access: An access with 50 vehicles trips per day or less.

      2. Medium Volume Access: Any access with more than 50 vehicle trips per day but less than 200 peak hour vehicle trips per day.

      3. High Volume Access: Peak hour volume of 200 vehicle trips or greater.

b. Sight Distances

Accesses shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3½ feet, to the top of an object 4 ¼ feet above the pavement. The required sight distances are listed by road width and for various posted speed limits.

4. Two Lane Roads

A minimum sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

a. Vertical Alignment

Access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. The maximum grade over the entire length shall not exceed 8%.

b. Low Volume Accesses

1. Skew Angle

Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

2. Curb Radius

The curb radius shall be between 10 feet and 15 feet, with a preferred radius of 15 feet.

3. Access Width

The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

c. Medium Volume Accesses

1. Skew Angle

Medium volume accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 as site conditions permit, but in no case less than 60 .

2. Curb Radius

Curb radii will vary depending if the access has one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40

feet with a preferred radius of 30 feet. On one-way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

3. Width

   On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.

4. Curb-Cut Width

   On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

d. High Volume Accesses

1. Skew Angle

   High volume accesses shall intersect the road at an angle as nearly to 90 as site conditions permit, but in no case less than 60.

2. Curb Radius

   Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

3. Curb Cut Width

   Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.

4. Entering and exiting accesses shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.

5. Width

   Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

6. Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands.

7. Access location and spacing shall be in accordance with the "Standards which Limit the Number of Driveways" in Appendix A of Access Management: Improving the Efficiency of Maine Arterials, Maine Department of Transportation, 1994.

5. Layout

a. Proposed streets shall conform, as far as practical, to the Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a Preliminary Plan.

b. All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic.

c. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and to safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography.

d. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.

e. Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the Town under conditions approved by the Planning Board.

f. In front of areas designated for commercial use, or where a change to an area designated for commercial use is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case shall the street have a right-of-way width less than sixty (60) feet nor have less than two twelve (12) foot travel lanes and two eight (8) foot parking lanes.

g. Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

h. Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) Proposed". It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

i. Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access to streets (streets parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

j. Subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map if such exists, or streets on an approved Subdivision Plan for which a bond or other performance guarantee has been filed.

6. Design and Construction Standards

a. All private streets for a subdivision shall be designed and constructed to meet the following minimum standards for streets according to their classification as determined by the Planning Board and as overseen by the municipal road commissioner, engineer, or appointed engineer. Pervious road surfaces may be used in place of bituminous paving.

Minimum width	
Minimum width of pavement*	40'
Shoulder width (each side)	20'
Minimum grade	3'
Maximum grade	.5%
Maximum grade at intersection	6%
Minimum angle of intersection	3% within 50 ft. of intersection
Minimum center-line radii on curves	60 deg.
Minimum tangent length between reverse curves	200'
Road base (minimum) Road	200'
crown (minimum)	18"
Bituminous paving	4"/1 ft.
Sidewalks width (minimum where required) Based	3"
course (gravel)	5'
Surface Bituminous hot-top	8"
Dead-end or cul-de-sac streets width	
Length, not more than	60'
	3,000' Radii of turn-around at
Property line (minimum)	enclosed end of:
Pavement (minimum)	80'
Property line radii at intersection	65'
(minimum)	10'

Curb radii at intersection:

90 degree intersections	25'
Less than 90 degree intersections	30'

- In addition to the minimum pavement width, all streets in a mobile home park shall have a cleared area (no vegetation or appurtenances over three feet high) of 40 feet within the right-of-way to provide for maneuvering of mobile homes.

b. Grade of all streets shall conform in general to the terrain and shall not be less than one-half (112) of one percent nor more than six (6) percent for all streets, but in no case more than three (3) percent within fifty (50) feet of any intersection.

c. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of two hundred (200) feet.

d. Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end, where one street approaches another between sixty to ninety (60-90) degrees, the former street should be curved approaching the intersection.

e. Cross (four-cornered) street intersections or other important traffic intersections shall be avoided insofar as possible except as shown on the Comprehensive Plan. A distance of at least two hundred (200) feet shall be maintained between center lines of off-set intersecting streets.

f. Street lines at intersections shall be cut back to provide for curb radii of not less than twenty-five (25) feet for ninety (90) degree intersections and thirty (30) feet for intersections less than ninety (90) degrees.

g. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any comer lot which is necessary to allow twenty-five (25) foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

h. A dead-end street or cul-de-sac shall not exceed **three** thousand **(3,000)** feet in length and shall be provided to a suitable turn-around at the closed end. When a turning circle is used, it shall have a minimum outside curb radius of sixty-five (65) feet.

i. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.

j. Side slopes shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed (six (6) inches compacted), and seeded as required.

k. Streets shall be **cleared** to the full width of the right-of-way.

l. Guard rails shall be installed in all fill areas of five (5) feet or more. Shoulders shall be constructed three (3) feet wider in those areas to accommodate the railing.

m. Street curbs and gutters shall be required on all streets defined as urban areas by the Maine State Department of Transportation and shall be required at the discretion of the Planning Board in rural areas.

n. Where curb and gutter are not required, stabilized shoulders and proper drainage shall be the responsibility of the subdivider in compliance with the requirements herein.

7. Plantings

a. All esplanade or planting strip areas at sides of streets shall receive at least six (6) inches of compacted top-soil (loam) free of stones over one (1) inch in diameter, sods, and clay. Base material shall be removed prior to placement of top-soil.

b. Planting strips to be limed at the rate of one (1) pound per ten (10) square feet and fertilized at the rate of one (1) pound of a 10/10/10 fertilizer per fifty (50) square feet or equivalent and seeded with a conservation mix endorsed by the Hancock County Soil and Water Conservation District.

c. When required by the Planning Board, street trees shall be planted in the esplanade areas of all new streets.

d. Trees of the 1st magnitude (Birch, Beech, Linden, Oak, Pine, Sugar Maple, Basswood) shall be planted at forty to sixty (40-60) foot intervals.

e. Trees of the 2nd magnitude (Hawthorne, Flowering Crabapple, etc.) may be planted at intervals of less than forty (40) feet.

8. Street Approval and Acceptance

a. The board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the final plan by the board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

b. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.

c. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the town."

D. -Sidewalks

Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street and at such locations as the Board may deem necessary.

E. -Water Supply

1. Well Construction

a. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.

b. Wells shall not be constructed within 75 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.

2. Fire Protection

a. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.

b. A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not served by a public water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. The Board may require additional storage capacity upon a recommendation from the fire chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice. **The pond shall be located no further than fifteen hundred feet (1500') from the furthest potential building site with the concurrence of the fire department.**

c. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches.

d. 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 accessway to the hydrant or other water source shall be constructed.

e. Fire pond maintenance, including minimum water volume, shall be the responsibility of the developer until it is assumed by a homeowners association or lot owners.

F. -Storm Water Management Design Guidelines

1. 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.
2. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.
3. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
4. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.
5. Storm Drainage Construction Standards.
   a. Materials.
      i. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.
      ii. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl chloride (PVC) pipe, and corrugated aluminum alloy pipe.
      iii. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.
      iv. Pipe Gauges.

   Metallic storm drainage pipe shall meet the thickness requirements of Table X.F.1, depending on pipe diameter

Table X.F.l. Culvert Size and Thicknesses

Material	**Galvanized CMP**	
Aluminum/Zinc Coated CMP	**Aluminum Coated CMP**	
Inside Diameter	**Corrugated Aluminum Alloy**	**Polymer Coated CMP**
15" to 24"	14 ga.	16 ga.
30" to 36"	12 ga.	14 ga.
42" to 54"	10 ga.	12 ga.
60" to 72"	8ga.	10 ga.

v. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.

vi. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.

vii. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

ARTICLE XI. -MOBILE HOME PARKS

Mobile home park lots shall conform to the minimum requirements of municipal ordinances and shall meet the requirement of the subdivision law. A lot in a mobile home park shall meet the following lot size, width, and density requirements as follows:

A. - A mobile home lot served by public sewer:

- 6500 square feet, or
- The area of the smallest residential lot permitted in the municipality.

B. - A mobile home lot with on-site subsurface disposal:

- 20,000 square feet.

C. - A mobile home lot served by central on-site subsurface waste water disposal systems:

- 12,000 square feet.

D. -The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one mobile home for every 20,000 square feet of total park area.

E. - Lots within a shoreland zoning district shall meet the lot area, lot width, setback, and shore frontage requirements for that district.

ARTICLE XII. -PHOSPHORUS EXPORT

A. When a proposed subdivision is within the direct watershed of a great pond protected by this ordinance and qualifies for the simplified review procedure, buffer strips shall be provided in accordance with the requirements of *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development* published by the Maine Department of Environmental Protection, revised September 1992 and the allowable per acre increase in phosphorus as shown for each applicable lake watershed in Article IX.O.A. Buffer strips shall be provided on the downhill side of all lots along all tributaries to great ponds and along the great pond.

The minimum required width of buffer strips depend on the watershed in which the proposed subdivision is located, the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

B. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified review, the phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development,* published by the Maine Department of Environmental Protection, revised September 1992.

ARTICLE XIII. - CLUSTER DEVELOPMENT

Cluster developments shall be designed in accordance with Gouldsboro's Land Use (zoning) Ordinance.

ARTICLE XIV. -APPEALS

An appeal from a decision of the Planning Board must be submitted to the Hancock County Superior Court within thirty (30) days from the date of written decision and findings of fact.

ARTICLE XV. -REVISIONS TO EXISTING PLAT OR PLAN

Any application for subdivision approval which constitutes a revision or amendment of a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the Planning Board shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of Section 4404.

ARTICLE XVI. -SEPARABILITY AND EFFECTIVE DATE

A. - The invalidity of any provision of this Ordinance shall not invalidate any other part.
B. - These standards shall take effect immediately upon adoption of the same by the legislative body of Gouldsboro.

Yvonne P. Wilkinson

Attested by
Yvonne P. Wilkinson
Town Clerk of Gouldsboro

June 10, 2015
Date