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Subdivision Ordinance
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Subdivision Ordinance

Town of Appleton, Maine

Updated 12/15/87

SECTION I. TITLE

This ordinance shall be known and may be cited as the "Subdivision Ordinance of the Town of Appleton, Maine."

SECTION II. AUTHORITY, JURISDICTION, AND PURPOSE

A. Authority This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine, and in accordance with the provisions of Title 30 of Maine Revised Statutes Annotated, Section 4956. This Ordinance shall be administered by the Planning Board.

B. Jurisdiction

The provisions of this Ordinance shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Appleton.

C. Purpose

The purpose of this Ordinance is to assure the comfort, convenience, health, safety, and welfare of the people, to protect the environment, and to promote the orderly development of an economically sound and stable community. To this end, in approving subdivisions within the Town, the Planning Board shall consider the following criteria, the burden of proof of which rests solely with the subdivider. Before granting approval, the Board shall determine that the proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources 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 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 public 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 or rare and irreplaceable natural areas;
9. Is in conformance with this subdivision ordinance and the town's comprehensive plan;
10. The subdivider has adequate financial and technical capacity to meet these standards;
11. Whenever situated in whole or in part within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or reasonably affect the shoreline of such body of water;
12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

13. Will not unreasonably interfere with access to direct sunlight for solar energy systems.

SECTION III. PROCEDURE FOR APPLICATION

- A. Agenda Deadline At each stage of the process of subdivision review, an applicant shall request to be placed on the Planning Board's agenda at least fifteen (15) days prior to the regularly scheduled meeting at which he wishes to be heard. The request shall be accompanied by a completed application form as prescribed by the Planning Board and any required fee.
- B. Preapplication Meeting
1. An applicant shall meet with the Planning Board prior to formal submission of a subdivision plan to generally discuss the proposal and to obtain guidance in development of the plan.
 2. The Planning Board at the preapplication conference may schedule an on-site inspection of the tract or parcel to be subdivided. The on-site inspection shall be jointly attended by the applicant or his duly authorized representative and by at least one member of the Planning Board or an individual appointed by the chairman of the Planning Board to act as the Board's representative for such inspection.
 3. Within thirty (30) days of the preapplication meeting, the Planning Board shall notify the applicant in writing whether the proposed subdivision is classified as minor or major. (See Section 10.) The Planning Board may include in its notification specific suggestions to be incorporated by the applicant in subsequent submissions.
- C. Minor Subdivisions
1. The Planning Board may require, where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision comply with all or any of the requirements specified for a major subdivision.
 2. Within six (6) months after classification of a proposed subdivision as minor, the applicant shall submit an application for approval of a Final Plan. Failure to do so shall require a new preapplication conference.
 3. All applications for Final Plan approval for minor subdivisions shall be accompanied by a fee of \$25.00 payable by check to the Town of Appleton, Maine, stating the specific purpose of the fee.
 4. Upon receiving an application for approval of a Final Plan, including the required fee, the Planning Board or its designated representative shall issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Planning Board shall notify the applicant in writing either that the application is a complete application in accordance with the submission requirements of Section IV (B), or, if the application is incomplete, the specific additional material needed to make a complete application. Full evaluation of the Final Plan shall begin after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which this determination has been made.
 5. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
 6. Within sixty (60) days of receipt of a completed application, or within such other time limit as may be mutually agreed to, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan. In issuing its decision, the Planning Board shall make findings of fact, in writing, that the proposed minor subdivision does or does not meet the criteria listed in Section II, subsection C. Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign the original plan of the subdivision.
- D. Major Subdivision - Preliminary Plan

1. Within six (6) months after classification of a proposed subdivision as major, the applicant shall submit an application for approval of a Preliminary Plan. Failure to do so shall require a new preapplication conference.
2. All applications for Preliminary Plan approval for major subdivisions shall be accompanied by a base fee of \$100.00 plus \$10.00 per lot, living unit, or principal nonresidential building in excess of four (4) shown thereon, payable by check to the Town of Appleton, Maine, stating the specific purpose of the fee. In addition, the Planning Board may set an amount to be added to the base fee paid by the subdivider, sufficient to enable the Board to secure outside technical assistance in reviewing the proposed subdivision, if, in the Board's sole discretion, such assistance will be required.
3. Upon receiving an application for approval of a Preliminary Plan, including the required base fee, the Planning Board or its designated representative shall issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Planning Board shall notify the applicant in writing either that the application is a complete application in accordance with the submission requirements of Section IV (C), or, if the application is incomplete, the specific additional material needed to make a complete application. Full evaluation of the Preliminary Plan shall begin after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which this determination has been made.
4. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.
5. A public hearing shall be held within thirty (30) days of receipt of a completed Preliminary Plan application. The Planning Board shall cause notice of the date, time, and place of such hearing to be given to the applicant and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.
6. Within thirty (30) days of the public hearing, or within such other time limit as may be otherwise mutually agreed to, the Planning Board shall approve, approve with conditions, or disapprove the Preliminary Plan. In issuing its decision, the Planning Board shall state, in writing, the conditions of such approval, if any, with respect to:
 - (a) The specific changes it will require in the Final Plan;
 - (b) The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 - (c) The amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the Final Plan.
7. The decision of the Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board, and one forwarded to the municipal officers.
8. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the preliminary Plan as a guide to the preparation of the Final Plan. Prior to the approval of a Final Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information.

E. Major Subdivision - Final Plan

1. Within six (6) months after approval of a Preliminary Plan, the applicant shall submit an application for approval of a Final Plan. If the Final Plan is not submitted to the Planning Board within this period, the Planning Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan.
2. All applications for Final Plan approval for major subdivisions shall be accompanied by a fee of \$100.00 plus \$10.00 per lot, living unit, or principal nonresidential building in excess of four (4) shown thereon, payable by check to the Town of Appleton, Maine, stating the specific purpose of the fee.
3. No Final Plan of a major subdivision shall be submitted to the Planning Board until the applicant has first secured in writing the following, if required:
 - (a) All necessary variances and special exceptions from the Appleton Zoning Board of Appeals;
 - (b) Approval in writing of the proposed water supply system by:
 - (i) the servicing water company if public water service is to be used;
 - (ii) The Maine Department of Human Services if the subdivider proposed to provide a central water supply system; or
 - (iii) a civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Planning Board may also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Human Services.
 - (c) Approval in writing of the proposed sanitary sewage disposal system by:
 - (i) the servicing sanitary sewer district if an existing public sewerage system is to be used;
 - (ii) The Maine Department of Human Services if wastewater disposal systems within its jurisdiction of control are to be used; or
 - (iii) the Maine Department of Environmental Protection if the wastewater is to be treated by the private system and discharged into any body of water.
 - (d) In addition to these approvals, if the proposed subdivision is reviewable by the Maine Department of Environmental Protection under the Site Location Act or the Alteration of Coastal Wetlands Act, or by the Maine Department of Inland Fisheries and Wildlife under the Alteration of Streams Act, the subdivider is required to obtain such reviews prior to submission of Final Plan to the Planning Board.
4. Upon receiving an application for approval of a Final Plan, including the required fee and the required approvals in paragraph 3 above, the Planning Board or its designated representative shall issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Planning Board shall notify the applicant in writing either that the application is a complete application in accordance with the submission requirements of section IV (D), or, if the application is incomplete, the specific additional material needed to make a complete application. Full evaluation of the Final Plan shall begin after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which this determination has been made.
5. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
6. A public hearing may be held within thirty (30) days of receipt of a completed Final Plan application. The Planning Board shall cause notice of the date, time, and place of such

hearing to be given to the applicant and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

7. Within thirty (30) days of a public hearing or within sixty (60) days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan. In issuing its decision, the Planning Board shall make findings of fact, in writing, that the proposed major subdivision does or does not meet the criteria listed in Section II, Subsection C. Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign the original plan of the subdivision .

SECTION IV. SUBMISSION REQUIREMENTS

A. Preapplication Meeting

A Sketch Plan shall be submitted to the Planning Board at the time of the preapplication meeting.

The Sketch Plan may be a free-hand drawing and shall show:

1. The outline of the tract or parcel to be subdivided, with estimated dimensions.
2. North arrow.
3. The proposed layout of lots, streets, and building locations.
4. Identification of general areas of steep slopes, wetlands, streams and floodplains.
5. Availability of community utilities.
6. Any existing deed restrictions.

B. Minor Subdivisions A Final Plan shall be submitted to the Planning Board which shall consist of one original drawn on durable, permanent transparency material and three copies of one or more maps or drawings, drawn to a scale of not more than one hundred (100) feet to the inch. Where practical, the sheet size of the drawings shall be a standard 24 x 36 inches, with a space reserved for the signatures of a legal majority of the Planning Board and the date of approval following the words, "Approved: Town of Appleton Planning Board, Pursuant to Title 30 M.R.S.A. Section 4956." The application for approval of a Minor Subdivision shall include all of the information on the Sketch Plan plus the following:

1. Proposed name of the subdivision or identifying title, the name of the town, and the page and lot number of the tract or parcel to be subdivided as identified on the Assessor's tax map.
2. The submission date, north arrow, graphic map scale, name and address of record owner and subdivider, and name and address of the person under whose responsibility the subdivision plan was prepared.
3. Locations and names of owners of adjoining properties.
4. Existing zoning designation of the tract or parcel to be subdivided, proposed uses of the land, and special exceptions and variances required, if any.
5. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract.
6. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as specified in Section V (H), and shall be referenced on the Final Plan.
7. Location of and descriptive data for every lot and boundary line within the subdivision .

8. Location and size of any existing sewer and water mains, culverts and drains on the property to be subdivided.
9. Location and width of existing streets and right-of-way within or abutting the proposed subdivision.
10. Identification of soils boundaries and names in the proposed subdivision based upon the USDA soil Conservation Services National Cooperative Soil Classification.
11. At the discretion of the Planning Board contour lines at intervals of five (5) feet or at such intervals as the Board may require, based on United States Geological Survey datum.
12. If the proposed subdivision will use or connect to a centralized system of sewage, collection, treatment, and discharge, a description, dimensions, and location of the collection and treatment facilities. The facilities shall be designed by a licensed civil engineer, whose signature shall appear on the Final Plan, and shall comply with all standards and regulations of local and state agencies.
13. If the proposed subdivision will be serviced by on-site sewage disposal systems, the location on each lot of test pits dug in accordance with the State Plumbing Code and a copy for each lot of the soils investigation report prepared by a site evaluator licensed by the Maine Department of Human Services.
14. If the proposed subdivision will be serviced by the water company, the location and dimensions of the mains to service the subdivision and certification, in writing, from the water company that connection from all lots or buildings will be permitted.
15. If the proposed subdivision will be serviced by on-site water supply, information that will reasonably satisfy the Planning Board that each lot has the capacity to support a well meeting the standards and regulations of local and state agencies.

C. Major Subdivisions - Preliminary Plan

1. Location Map

The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred (400) feet at the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The map shall show all the areas within one thousand (1000) feet of any property line of the proposed subdivision. Within such area the Location Map shall show:

- (a) Existing subdivisions and approximate lines of acreage parcels together with the names of the record owners of all adjacent parcels of land, directly abutting or directly across any street adjoining the proposed subdivision.
 - (b) Locations, widths, and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and adjacent properties.
 - (c) The boundaries and designations of zoning districts.
 - (d) An outline of the proposed subdivision together with its probable access and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.
2. Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper drawn to a scale of not more than one hundred (100) feet to the inch. Where practical, the sheet size of the drawings shall be a standard 24 x 36 inches. The Preliminary Plan shall show the following information:

- (a) Proposed subdivision name or identifying title, the name of the Town, and the page and lot number of the tract or parcel to be subdivided as identified on the Assessor's tax maps.
- (b) The submission date, north arrow, graphic map scale, name and address of record owner and subdivider, and name and address of the person under whose responsibility the subdivision plan was prepared.
- (c) Existing zoning designation, proposed uses of the land, and special exceptions and variances required, if any.
- (d) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
- (e) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- (f) Location, names and present widths of existing streets, and rights-of-way within or adjacent to the proposed subdivision.
- (g) Deed description and map of survey of tract boundary, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor, tied into established reference points.
- (h) Contour lines at intervals of five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum.
- (i) A soils report identifying the soils boundaries and names in the proposed subdivision based upon the USDA Soil Conservation Services National Cooperative Soil Classification .
- (j) The width, location, grades and street profiles of all streets and public ways proposed by the subdivider.
- (k) Typical cross sections of the proposed grading for roadways and sidewalks.
- (l) Proposed lot lines with their dimensions. If the subdivision consists of principle buildings on the same lot, building location shall be shown.
- (m) If the proposed subdivision will use or connect to a centralized system of sewage collection, treatment, and discharge, a description and location of the collection and treatment facilities. The facilities shall be designed by a licensed civil engineer. They shall be approved, if applicable, by the Maine Department of Environmental Protection.
- (n) If the proposed subdivision will be serviced by on-site sewage disposal systems, the location on each lot of all test pits dug in accordance with the State Plumbing Code and a copy for each lot of the soils investigation report prepared by a site evaluator licensed by the Maine Department of Human Services.
- (o) If the proposed subdivision will be serviced by the water company, the location and dimensions of the mains to service the subdivision and certification in writing from the water company that connection from all lots or buildings will be permitted.
- (p) If the proposed subdivision will be serviced by on-site water supply, data that will reasonably satisfy the Planning Board that each lot has the capacity to support a well meeting the minimum standards of state and local codes, certified by a civil engineer registered in the State of Maine.
- (q) Provisions for collecting and discharging storm drainage, in the form of a drainage plan showing ditching, culverts, easements and other proposed improvements. At the

discretion of the Planning Board, this plan may be required to include proposed grading of any or all lots.

- (r) Provisions for controlling erosion and sedimentation.
- (s) Identification of all parcels and facilities proposed to be dedicated to public ownership and/or use and the conditions of such dedications.
- (t) The location of all natural features or site elements to be preserved.
- (u) The location of temporary markers, if requested by the Planning Board, adequate to enable the Board to locate readily and appraise the basic layout in the field.

D. Major Subdivision - Final Plan

A Final Plan shall be submitted to the Planning Board which shall consist of one original drawn on durable, permanent transparency material and three copies of one or more maps or drawings, drawn to the same scale and on the same size sheet as the Preliminary Plan, unless otherwise directed by the Planning Board. Space shall be reserved for the signatures of a legal majority of the Planning Board and the date of approval following the words, "Approved: Town of Appleton Planning Board, Pursuant to title 30 M.R.S.A. Sec. 4956. The application for Final Plan approval shall include the following:

1. All of the information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Planning Board.
2. The name, registration number and seal of the land surveyor, architect, engineer, or planning consultant who prepared the plan.
3. Street names and lines, pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership.
4. Sufficient data acceptable to the Road Commissioner to determine readily the location, bearing and length of every street line, lot line, easement, and boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.
5. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract.
6. Construction drawings for streets, sanitary sewers (if a centralized system of collection and treatment is to be used), and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
7. Lots and blocks within the subdivision numbered in accordance with local practice.
8. Permanent monuments at all outside corners of the subdivision tract, as specified in Section V (H), and referenced in the Final Plan.
9. A statement from the Fire Chief of the town of Appleton approving the number, size, and location of proposed hydrants and their supply mains.
10. Written offers of cession, in a form certified as satisfactory by the town Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained .
11. Written approval from the Zoning Board of Appeals of appeals for variances or specified exceptions, if required, and any conditions imposed.
12. A performance bond or guarantee in a form and amount meeting the requirements of Section VII (A) to secure the completion of all improvements required by the Planning

Board, and written evidence that the Town Selectmen have reviewed and approved the bond or guarantee.

SECTION V. GENERAL REQUIREMENTS

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

A. Conformance with Comprehensive Plan

Any proposed subdivision shall be in conformity with the Comprehensive Plan of Appleton and with the provisions of all pertinent state and local ordinances.

B. Preservation of Natural and Historic Features

1. The Planning Board may require that a proposed subdivision include a landscape plan that will show the preservation of existing trees (10-inch diameter or greater), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.
2. The street and lot layout shall be adapted to the topography.
3. Extensive grading and filling shall be avoided as far as possible. Except for surplus topsoil from roads, parking areas and building excavations, it shall not be removed from the site.
4. Cutting of trees on the northerly borders of the subdivision shall also be avoided as far as possible to retain a natural wind buffer.
5. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board.
6. Land in clustered developments to be reserved as open space or natural area shall be so labeled, with the notation, "Open space not to be developed," on the Final Plan.

C. Land Not Suitable for Development The Planning Board shall not approve such portions of any proposed subdivisions that:

1. Are situated below sea level.
2. Are located within the 100-year flood plain as identified by an authorized Federal or State agency, or when such identification is not available, are located on flood plain soils identified and described in the National Cooperative Standard Soil Survey, unless the applicant shows proof through the submission of materials prepared by a registered land surveyor which shows that the property in question lies at least two (2) feet above the 100-year flood plain (not including proposed filling).
3. Are located on filled tidal wetlands or filled or drained Great Ponds (natural body of water of 10 acres or more).

D. Blocks

In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic.

E. Lots

1. To the extent possible, lots shall be oriented to make maximum use of direct sunlight (for example, by running side lot lines due north and south, regardless of the resulting angle of incidence with the street line).
2. Where a tract is subdivided into lots substantially larger than the minimum size required by the town's ordinance regarding lot size, the Planning Board in its review may consider the potential effect of future resubdivision.

3. If a lot on one side of a stream, tidal water, road, or other similar barrier fails to meet the minimum lot size required it may not be combined with a lot on the other side of the barrier to meet the minimum lot size or for the purpose of on-site waste disposal.
 4. Odd-shaped lots in which narrow strips are joined to other parcels to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than 3:1.
 5. Any proposed subdivision shall be so designed that every lot has frontage upon a way, granting legal access, and so that no part of the tract is land-locked.
 6. Minimum lot size for major subdivisions shall be five acres.
 7. No tract of land may be re-subdivided within a five year period.
- F. Easements for Natural Drainage Ways Easements for existing water courses or proposed drainage ways shall be provided through a right of way at least 30 feet wide, conforming substantially with the lines of existing drainage.
- G. Utilities
Utilities shall be installed underground except as otherwise approved by the Planning Board. They shall be installed in a timely manner during street construction to prevent re-excavation of the finished street.
- H. Monuments
1. Permanent monuments shall be set at all corners and angle points of the subdivision boundaries, and at all street intersections and points of curvature.
 2. The minimum monument length shall be 4 feet. For stone and concrete monuments the minimum size shall be 4 inches square at the top with 1/2 inch deep hole in the top locating the point or points described above. For steel rod monuments the minimum size shall be 5/8 inch diameter.
 3. All other lot corners shall be marked with steel rod not less than 5/8-inch diameter and 24 inches long and driven from 6 inches above to flush with the finished grade.
- I. Street Names and 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, and shall be of a type and size that conform with local practice.
- J. Sidewalks
Sidewalks and curbs will be installed by the subdivider at the discretion of the Planning Board, and at such locations as the Board deems necessary. In making its determination, the Board shall consider but not be limited to the following: density of lots, number of multi-family dwelling units, and population. If required, the sidewalks will be constructed to the standards contained in Section VI of this Ordinance.
- K. Required Improvements
All required Improvements, such as streets, sidewalks, storm water drainage systems, and where appropriate, centralized water supply and sanitary sewage systems, shall be installed at the expense of the developer.

SECTION VI. DESIGN AND CONSTRUCTION STANDARDS

A. Street Design and construction Standards

1. Street Classification

(a) Local Residential and Rural Streets

Any street which affords direct access to homes and places of business and that do not generate significant amounts of traffic. The streets are always to be designed and constructed to discourage through traffic of any type.

(b) Collector Streets

Any street that carries traffic between major arterial streets and local access streets, or directly to destinations, or to serve local traffic generators.

(c) Arterial Streets

Major traffic routes connecting communities or substantial portions of communities .

2. General Procedures for Acceptance of Streets and Ways

(a) The Planning Board shall not approve any subdivision plan unless proposed street(s) are designed and constructed in accordance with all state and local ordinances. Final subdivision approval by the Planning Board shall not be deemed to constitute acceptance by the Town of any street, easement, or other open space.

(b) A street or way constructed on private lands by the owner(s) thereof and not previously dedicated for public travel shall be laid out and accepted as a public street or way by the appropriate vote at Town meeting only upon the following conditions:

(i.) The owner(s) shall give the Town a deed to the property within the boundaries of the street at the time of the acceptance by the Town.

(ii.) A plan of said street or way shall be recorded in the Knox County Registry of Deeds at the time of the acceptance.

(iii.) A petition for the laying out and acceptance of said street or way shall be submitted to the Town upon a form to be prescribed by the Town. Said petition shall be accompanied by an as-built plan, profile and cross-section of said street or way as follows:

A plan drawn when practical to a scale of 40 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. Said plan shall show the north point, the location and ownership of all adjoining lots of land, passage ways, street lights and electric lines, boundary monuments, water ways, topography and natural drainage courses with contour at not greater than 2 foot intervals, all angles, bearings and radii necessary for the plotting of said street and lots and their reproduction on the ground, the distance to the nearest established street or way, together with the stations of their side lines.

A profile of said street or way drawn to a horizontal scale of 40 feet to 1 inch, and a vertical scale of 4 feet to 1 inch. Said profile shall show the profile of side lines and center line of said street or way and the proposed grades thereof. Any buildings abutting on said street or way shall be shown on said profile.

A cross section of said street or way drawn to a horizontal scale of 5 feet to 1 inch and a vertical scale of 1 foot to 1 inch.

The location and size of the proposed water and/or sewer mains in accordance with this ordinance.

The Town Selectmen, and Town Road Commissioner will review the constructed road and state in writing that it meets the Town specifications.

The developer will state in writing that he will plow and maintain the road until accepted by the Town.

The developer will appraise lot buyers in writing that the Town Selectmen will not bring the road before the Town for acceptance until all standards have been met.

- (c) The subdivider shall be liable for the full cost of all improvements, including all engineering work and the setting of grade stakes.

3. Street Design Standards

- (a) The design of streets shall be prepared by a professional engineer and shall provide for proper continuation of streets from adjacent development and for proper projection of streets into adjacent unsubdivided and open land. The design shall encompass paved streets with such appurtenances as curbs, esplanades, paved sidewalks, and storm drainage facilities, in accordance with the following minimum standards:

Description	Type of Street		
	Local Residential and Rural	Collector	Arterial
Minimum right-of-way width	60'	60'	80'
Minimum pavement width	18'-20'	20'	40'
Sidewalks width	4'	4'	5'
Minimum grade	0.5%	0.5%	0.5%
Maximum grade	8.0%	8.0%	8.0%
Minimum center line radius	100'	230'	230'
Roadway crown	1/8"/ft.	1/8"/ft.	1/8"/ft.
Minimum angle of street intersections	60	60	90
Minimum distance between intersections			
Same side	300'	300'	400'
Opposite sides	200'	200'	300'
Curb radii at intersection (90)	20'	20'	20'
(60 - 90)	30'	30'	30'
Sight distance	150'	200'	250'

- (b) Where conditions permit, the subdivider is encouraged to run streets in an east-west direction, with lots on a north-south axis, to maximize access to direct sunlight for solar energy systems.

- (c) Dead-end streets shall not exceed 1000 feet in length, from center line of the feeder street to center of turnaround, and shall be provided with a turnaround having a minimum outside radius of 65 feet.
- (d) Driveways shall be designed to a grade and alignment that will provide for maximum safety and in a manner that will not interfere with drainage or public use of the street and/or street area. Where lots are accessible to less travelled side streets, efforts shall be made to design access to such side streets rather than to more heavily travelled ways.
- (e) Street trees judged to be a hazard to vehicular traffic by the Planning Board shall be removed by the developer. No healthy tree 3 inches or larger in diameter shall be cut, trimmed, or removed beyond 8 feet from the edge of the pavement without prior approval of the Planning Board. It is the policy of the Planning Board to not alter the natural environment of the terrain any more than necessary in the building of any road.
- (f) Private streets and ways may be constructed within the Town upon showing by the applicant that the public health, safety and welfare will be maintained. It shall be clearly demonstrated, in writing, that the proposed private street will be adequately maintained, will provide sufficient spaces for emergency vehicle access and will conveniently serve its intended properties. In reviewing proposed private streets and ways, the Board may waive those street design standards which may be inappropriate to privately owned and maintained ways, provided, however, that the subdivider shall specifically request the waiver in writing as part of the application for subdivision approval. Moreover, where the subdivision's road or roads are to remain private ways, the following words shall appear on the original of the Final Plan:
 - öAll roads in this subdivision shall remain private ways to be maintained (by the developer) (by the abutters) and shall not be accepted or maintained by the Town until such roads are brought into conformance with the Street Design and Construction Standard contained in these regulations.ö
- (g) Any sewers and appurtenances, drains including house drains and catch basins which are to be built in the street or sidewalk, and all underground utilities, and their respective services, shall be constructed before any road material is placed. The sole exception shall be for house connections to serve lots where no construction has begun prior to the placing of such road material.
- (h) 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

4. Street Construction Standards

- (a) Minimum thickness of materials after compaction shall be:
- (b) Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush, and other objectionable materials. Organic materials shall be removed to a depth of two feet below the subgrade. Rock and boulders, when encountered, shall be scarified to subgrade.
- (c) The subgrade shall be carefully shaped and thoroughly compacted before gravel is set in place. When a minimum length of 300 feet (or the entire length of the street if it is less than 300 feet long) has been excavated to subgrade and this subgrade properly prepared for gravel, the Town Selectmen or their designated representative shall be notified. Their written approval of the subgrade must be obtained prior to the placing of gravel. Similarly, before any surface material is placed on the roadway and sidewalk areas, the

work shall again be inspected and approved in writing by the Town Selectmen or their designated representative.

- (d) When pavement placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical joint.
- (e) Curbs shall be vertical except when sloped curbs are specifically allowed by the Planning Board.

Street Materials	Minimum Requirements		
	Local Residential and Rural	Collector	Arterial
Aggregate Sub-base Course (Max. sized stone-4")	18"	18"	24"
Crushed Aggregate Base Course (Max. sized stone-2")	3"	3"	3"
Hot Bituminous Pavement (after compaction)			
Total Thickness	3"	3"	3"
Surface Course (1/2-inch stone)	1"	1"	1"
Base Course	2"	2"	2"
Sidewalk Materials			
(a) Bituminous			
Aggregate Sub-base Course	8"	8"	8"
Hot Bituminous Pavement			
Surface Course	2"	2"	2"
(b) Reinforced Portland Cement			
Sand Base	6"	6"	6"
Portland Concrete Cement	4"	4"	4"

- (f) The bituminous concrete wearing surface shall consist of aggregate and bituminous material mixed in a central plant. There shall be 2 inch thick of binder coarse with 3/4 inch stones and 1 inch thick surface coarse with 1/2 inch stone. Asphalt cement to be used in the asphaltic concrete shall be uniform in character, free from water and shall contain no mineral matter other than that naturally present. Aggregate shall consist of fine gravel and sand, disintegrated granite or other similar granular materials. This bituminous mixture shall be spread, raked and rolled in an acceptable manner. Longitudinal and transverse joints shall be wall bonded and sealed. No asphalt shall be

laid when the temperature of the air is 50 degrees Fahrenheit and falling or during unfavorable weather conditions.

B. Storm Water Drainage Design and Construction Standards

1. Storm Water Drainage Design Standards

Adequate provisions shall be made for disposal of all storm water collected in streets and areas tributary to the street system and underground water through a storm water drainage system. To the extent possible, developers are encouraged to dispose of storm water on the land at the site of development, and to do so through the wise use of the natural features of the site.

- (a) All natural drainage ways shall be preserved at their natural gradient and shall not be filled or interfaced with any way, except as approved by the Planning Board and appropriate state agencies. If, in the judgment of the Planning Board, a natural drainage way needs to be reserved in the public interest, a storm drainage easement at least thirty (30) feet wide shall be required and reserved as a public storm drainage easement dedicated so as to assure public maintenance.
- (b) The design of storm drainage facilities shall insure the acceptance and disposal of storm water runoff, based on a 10-year storm frequency, without damage to the street, to adjacent properties, or to downstream properties.
- (c) The design of storm drainage systems shall be fully cognizant of upstream runoff which must pass over or through the site to be developed. The system shall be designed to pass upstream flows from the land as fully developed, generated by a 10-year storm, without surcharging the system.
- (d) The storm drainage system to serve a proposed subdivision shall be designed and installed in accordance with the plans and specifications prepared by a professional engineer.

2. Storm Water Drainage Construction Standards

- (a) The minimum pipe size of any storm drainage pipe shall be twelve (12) inches.
- (b) When drainage ditches are required to be constructed within the street right-of-ways, the ditch line shall be a distance of ten (10) feet or more from the edge of pavement of an arterial street, and a distance of six (6) feet or more from the edge of pavement of other streets. Ditch and remaining right-of-way shall be sodded from the edge of the shoulder to the right-of-way line.
- (c) All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm erosion and shall be benched or terraced as required to provide for adequate stability.
- (d) All manufactured slopes (edge of road and sides of ditch) shall have a slope not steeper than two (2) feet horizontal to one (1) foot vertical.
- (e) Where necessary, outlets shall be terminated in an endwall of concrete construction, or shall be rip-rapped to prevent erosion, or other appropriate measures taken. Facilities for energy dissipation shall be provided where necessary.

C. Water Supply and Sewage Disposal System Standards

1. Water Supply System Standards

- (a) A public water supply system with fire hydrants shall be installed by the subdivider, or, if in the opinion of the Planning Board, service to each lot by a public water system is not feasible, the Board may allow individual wells to be used.

- (b) The minimum permitted water main size shall be eight (8) inches.
 - (c) The subdivider shall secure in writing statements from the servicing water company that the proposed water supply system conforms with its standards and will not result in an undue burden on the source or distribution system, and from the Town Fire Chief that the system complies with fire fighting requirements.
 - (d) Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other ground water services.
2. Sewage Disposal System Standards
- (a) A sanitary sewer system shall be installed by the subdivider, or if in the opinion of the Planning Board, service to each lot by a sanitary sewer system is not feasible, the Board may allow individual on-site systems to be used.
 - (b) All components of a sanitary sewer collection and treatment system shall be designed by a professional engineer registered in the State of Maine in full compliance with the standards and regulations of the Maine Department of Environmental Protection.
 - (c) All individual on-site systems shall be designed by a licensed soil scientist, engineer or other qualified person in full compliance with the Maine State Plumbing Code.
 - (d) Where a public sanitary sewer line is located within 1,500 feet of a proposed subdivision at its nearest point, the subdivider shall connect with such sanitary sewer line with a main not less than eight (8) inches in diameter, provided the appropriate local agencies certify that extending the services will not be a burden on the systems.

SECTION VII. PERFORMANCE GUARANTEES

A. Guarantee Required

- 1. The Final Plan shall be accompanied by a performance guarantee, or, at the sole discretion of the Planning Board, a conditional agreement.
 - (a) A performance guarantee may be tendered in the form of a certified check payable to the Town of Appleton, a savings account passbook issued in the name of the Town of Appleton or a faithful performance bond running to the Town of Appleton and issued by a surety company acceptable to the Planning Board. The amount shall be 125 percent of the cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, utilities and other improvements for public benefit or use specified in the Final Plan. It shall be conditioned upon the completion of all such improvements within two (2) years from the date of such check, passbook or bond issuance. In the case of a performance guarantee, building permits may be issued for construction within the subdivision prior to completion of required improvements, but the required improvements shall be completed and approved prior to issuance of any occupancy permits.
 - (b) A conditional agreement, if acceptable in lieu of a performance guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the code enforcement officer for any building or any portion of the development until the completion of all street grading, paving, storm drainage, utilities and other improvements for public benefit or use specified in the Final Plan.
- 2. Completion of required improvements shall be determined by the Planning Board to its satisfaction, which shall receive written and signed certifications by the town Selectmen and

Road Commissioner and, if necessary, at the expense of the subdivider, by a professional engineer registered in the State of Maine that all improvements assured by the performance guarantee or conditional agreement have been constructed in accordance with the Final Plan and all applicable codes and ordinances. The engineer's report shall also certify that all permanent bounds or monuments have been installed and are accurately in place in the locations designated in the Final Plan.

B. Release of Performance Guarantee

The performance guarantee shall be released by the Planning Board upon the request of the subdivider only after:

1. The Board receives the above certifications of completion,
2. The subdivider has furnished the Town with an accurate record plan and profile (original ink drawings on linen) of all streets including drainage lines and appurtenances, sanitary sewerage lines and appurtenances, water mains and appurtenances, and all other utilities as actually installed with sufficient ties for proper identification;
3. The subdivider has presented to the Selectmen a petition for the laying out and acceptance as a town way of the dedicated streets in the subdivision or portion thereof for which release of the performance guarantee is sought.

SECTION VIII. ENFORCEMENT

A. Prohibitions

1. No plan of a subdivision within the Town which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan has been approved by the Planning Board in accordance with all of the requirements, design standards and construction specifications set forth in this Ordinance, or until such approval has been entered upon the Final Plan by the Planning Board.
2. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
3. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required shall be punished by a fine of not more than \$1,000 for each such conveyance, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this Section.
4. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.
5. Not only is making a subdivision without Planning Board approval a violation of laws, but so also within such a subdivision is grading or construction of roads, grading a land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in this Ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Knox County Registry of Deeds.

B. Ineligible Applicant

No plan may be approved by the Planning Board as long as the applicant, subdivider or principals of any such applicant or subdivider shall be in default or shall have failed to complete improvements on any previously approved plan in the Town. Such default or failure to

complete shall constitute conclusive evidence of the inability of such applicant to comply with the terms of this Ordinance or to complete work required by a Final Plan.

C. Amendments After Approval

No changes, erasures, modifications or revisions shall be made in any Final 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 any modifications. A proposed amendment is not required to go through the complete review process as a new subdivision, unless, in the judgment of the Planning Board, the amendment is so substantial as to alter the character of the originally approved subdivision. In the event that an amended Final Plan is recorded without complying with this requirement, it shall be considered null and void and the Board shall institute proceedings to have the plan stricken from the records of the municipal officers and the registry of deeds and/or to enjoin any development attempted or commenced pursuant to said plan.

D. Filing and Completion Deadlines

1. Filing Deadline

Upon approval by the Planning Board of a Final Plan, and notation to that effect upon the plan, a copy of the signed and dated Final Plan shall be filed by the subdivider with the municipal officers. The Final Plan then shall be recorded in the Knox County Registry of Deeds. Any Final Plan not so filed or recorded by the subdivider within ninety (90) days of the date upon which such plan is approved and signed by the Planning Board shall become null and void, unless the particular circumstances of said subdivider warrant the Planning Board granting an extension which shall not exceed an additional period of ninety (90) days.

2. Completion of Improvements

- (a) The subdivider shall complete all improvements, including streets, sidewalks, storm water drainage systems, centralized water supply and sanitary sewerage systems and monuments, as contained in the Final Plan, before any building within the confines of the subdivision receives an occupancy permit.
- (b) All required improvements shall be completed no later than two (2) years after approval of the Final Plan. The subdivider may request, in writing, no more than two extensions of this deadline, with each period of extension not to exceed six (6) months.

3. Phasing of Improvements

- (a) The Planning Board may approve plans to develop a major subdivision in separate and distinct phases, subject to a schedule of development mutually agreed upon by the Board and the subdivider and to any conditions the Board deems necessary in order to insure the orderly development of the Final Plan. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision's street system which is covered by performance guarantees. The boundary lines of each phase shall be clearly shown on the final Plan, and a separate signature block shall be provided for each phase. When development is phased, road construction shall commence from the public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to the first phase of development.
- (b) In the event of a phased plan of development, each phase receiving final approval shall be duly recorded by the subdivider and required improvements shall at a minimum be completed within the deadlines set forth in this section.

SECTION IX. VARIANCES AND WAIVERS

- A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure- provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map or the Comprehensive Plan.
- B. Where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety and general welfare, or is inappropriate because of inadequate or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
- C. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

SECTION X. APPEALS

If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting land owner or aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting land owner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within thirty (30) days of the Planning Board's decision. The Board of Appeals may reverse the Planning Board's decision after holding a public hearing and may grant a variance as defined herein. Public hearings shall be held in accordance with Title 30 M.R.S.A., Section 2411.

SECTION XI. DEFINITIONS

Aggrieved Party: A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the Town of Appleton who represent an interest adverse to the grant or denial of such permit or variance.

Complete Application: An application presented to the Planning Board which includes (1) receipt for fee paid; (2) completed application form; (3) Planning Board notification stating that all other submissions required herein for that type of application have been received and are satisfactory.

Comprehensive Plan: Any part or element of the overall plan for development of the Town as defined in title 30 M.R.S.A. Section 4961.

Construction Drawings: Drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground power and telephone ducts, pavements, cross section of streets, miscellaneous structures, drainage easements, and similar items.

Driveway: A private entrance from a street or right-of-way to a building or buildings on abutting grounds.

Final Subdivision Plan: The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for record with the municipal clerk and the county registry of deeds.

Official Submittal Date: The time of submission of a Preapplication Plan, Final Plan for Minor Subdivision, Preliminary Plan for Major Subdivision or Final Plan for Major Subdivision shall be considered to be the date of written acknowledgement by the Planning Board of the receipt

of a completed application. Pursuant to 30 M.R.S.A. Section 4956, Subsection 2, the Planning Board, upon receipt of an application, shall issue a dated receipt. Within 30 days of this receipt, the Planning Board shall notify the applicant in writing, either that the application is a complete application, or if it is incomplete shall specify the additional material needed to complete the application. The date of notification of a complete application shall constitute the official submittal date.

- Person:** An individual, firm, association, organization, partnership, trust, company or corporation.
- Preliminary Subdivision Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.
- 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:** A street or other area over which is given legal right of passage. A public right-of-way is a way dedicated to the use of the public and accepted for ownership by the Town or other level of government.
- Street:** A public or private right-of-way providing for passage of pedestrians and vehicles.
- Subdivider:** Assessed owner or owners of land to be subdivided.
- Subdivider's Representative or Agent:** That person who has written authorization to act for the assessed owner or owners of land to be subdivided.
- Subdivision:** The division of a tract or parcel of land into three or more lots within any five-year period, whether accomplished by sale, lease development, buildings, or otherwise, in accordance with Title 30, Section 4956 of Maine Revised Statutes Annotated, as the same may from time to time be amended. Lots of 40 acres or more shall be counted as lots. All subdivisions shall be classified as either minor or major, according to the following:
1. Minor subdivisions means a subdivision containing not more than four lots, or not more than four principal buildings on the same lot, and not otherwise qualifying for classification as a major subdivision.
 2. Major subdivisions means the division of a tract or parcel of land into more than four lots; or any subdivision requiring the extension of a street or of municipal utilities, regardless of whether such extension is to be dedicated to municipal or private ownership; or any subdivision carried out for a nonresidential purpose; or any development that contains more than four principal buildings on the same lot.
- Tract or Parcel of Land:** All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, tidal waters where there is no flow at low tide, or a private road established by the abutting land owner(s).
- Variance:** A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship (as defined in Title 30 M.R.S.A., Section 4963-3j) and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.