

**SUBDIVISION ORDINANCE
OF THE
TOWN OF BREMEN, MAINE**

Bremen Ordinance Review Committee

January 17, 2012

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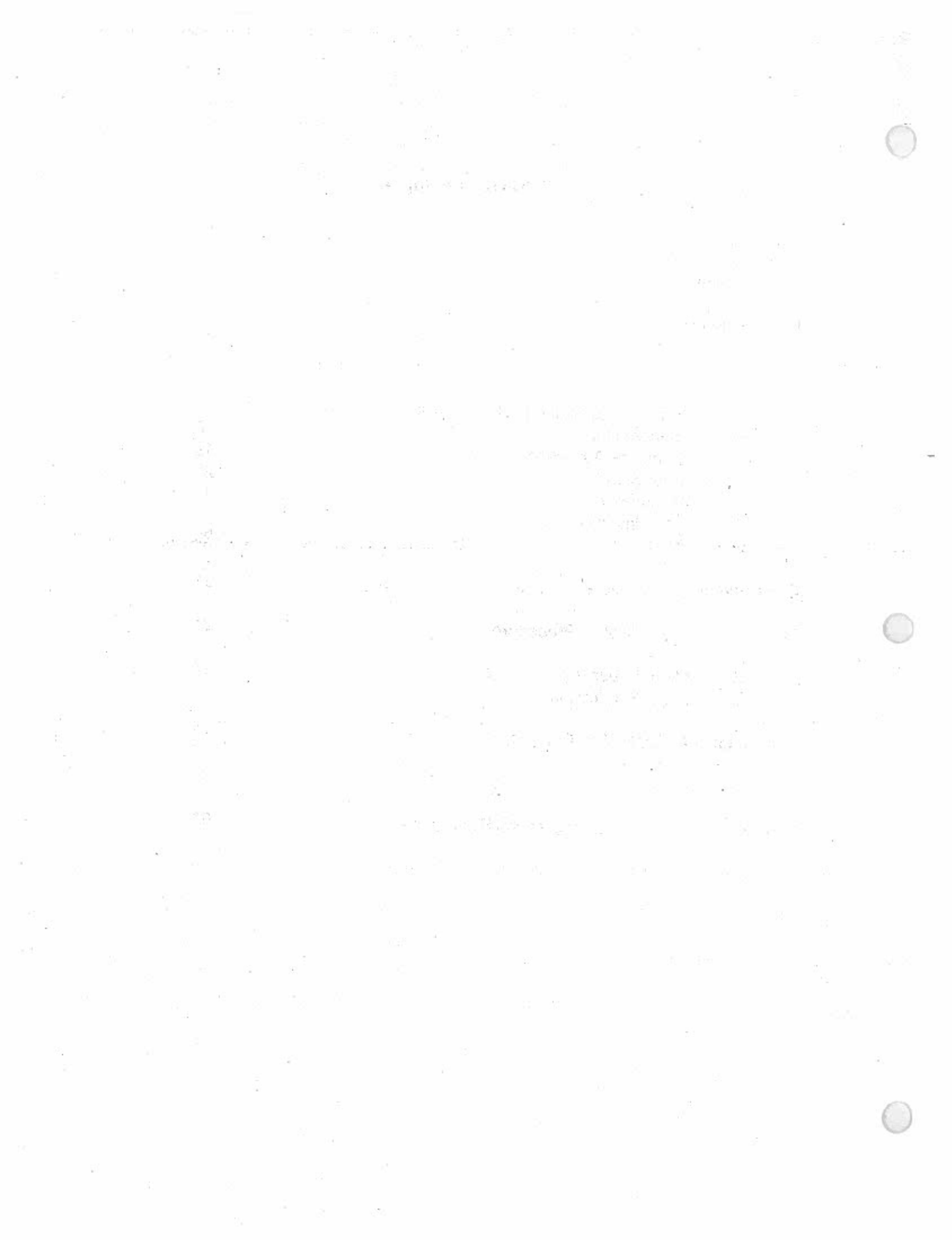
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BREMEN TOWN CLERK

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SUBDIVISION ORDINANCE OF THE TOWN OF BREMEN, MAINE

CHAPTER I DEFINITIONS

Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. A word indicating a specific gender is not limited to that gender, but includes both genders. The word "may" is permissive; "shall" is mandatory and not discretionary. In the event that a word defined in this chapter is defined in some other way in another specific chapter, the specific chapter definition shall apply only in that chapter, with the definition set forth in this chapter applying to all other chapters in this ordinance.

Accessory structure or use - A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party - An owner of land whose property is directly or indirectly affected by the granting 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 any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture - The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Applicant - The individual, firm, partnership, corporation, trust or other legal entity that files an application or requests approval of a plan, a permit or other action under this ordinance.

Application - Includes a narrative record of required actions performed, copies of required information and documents, together with drawing(s), requesting approval of a plan, a permit or other action.

Antenna - A device for radiating or receiving electromagnetic waves and which is situated on a permanent foundation.

Affordable Housing - A dwelling unit that may be purchased or leased by a household with low or moderate income. As used in this ordinance, the term "affordable housing" has the same meaning as in Maine Revised Statutes, Title 30-A section 5002(2) as amended.

Basal Area - The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Bed & Breakfast - A home occupation in an owner-occupied dwelling or accessory building on the same lot, in which 4 or less sleeping rooms are, for a fee, occupied by travelers and other transient guests staying for a limited duration (less than two weeks). The floor area devoted to the *Bed and Breakfast* may not exceed 50% of the total floor area of the dwelling unit or 1500 square feet of an accessory building. Breakfasts or other meals may be served only to guests. There shall be no separate ownership of rooms. A *Bed and Breakfast* must also meet all the requirements of a home occupation.

Boat Launching Facility - A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Buildable Land - That land in a parcel which is left over after all deductions made under the Net Residential area or acreage calculations have been made.

Building Height - The vertical distance between the highest point of the roof and the lowest finished grade of the ground adjoining the building. The lowest finished grade level is that level that may be achieved by the filing of land at not more than a 2 to 1 slope. Where retaining walls are required to be constructed within 20 feet of a building, the wall shall be considered to be part of the building and the height of the building shall be measured from the lowest finished grade level adjoining the wall.

Bureau - State Department of Conservation's Bureau of Forestry

Campgrounds - Any premises established for over-night use for the purpose of temporary camping, and for which a fee is charged. It includes tenting sites and sites for recreational vehicles but not cabins. It does not include a noncommercial private campsite.

Canopy - The more or less continuous cover formed by tree crowns in a wooded area.

Central Sewage System - A wastewater disposal system that receives wastewater from two or more structures. A "centralized" system may have a private sewer collection system flowing into a larger septic tank or it may have building drains flowing into individual smaller septic tanks. The wastewater, after receiving primary treatment in the

septic tank or tanks may be pumped or gravity fed to a single subsurface disposal field or several fields on a common land area.

Cluster Subdivision – A subdivision in which lot sizes are reduced below those normally required in the district in which the development is located in return for the provision of permanent open space owner in common by the lot/unit owners, the Town or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Coastal Bluff - A steep shoreline slope formed in sediment (loose material such as clay, silt, sand and gravel) that has three feet or more vertical elevation just about the high-tide line.

Coastal wetland - All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows. Adjacent to tidal waters, setbacks are measured from the upland edge of the "coastal wetland."

Code Enforcement Officer (CEO) – A person appointed by the Selectmen to enforce this Ordinance. Reference to the Code Enforcement Officer shall be construed to include the Building Inspector and Plumbing Inspector, where applicable.

Commercial Use – The use of land, buildings or structures intending or resulting in the production of income from the buying or selling of goods and services. It shall include professional services or establishments, retail or wholesale sale or storage or other commercial use. It shall also include the rental of three (3) or more dwelling units on a lot. It does not include "home occupation" or industrial uses.

Complete Application – An application with all required actions performed and all required information submitted so the Planning Board can reach a decision.

Comprehensive Plan - Any part or element of the overall plan and policy for development of the Town as defined in the Maine Revised Statutes Title 30-A, section 4314, and as enacted on November 18, 2004, and all amendments and revisions thereto.

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

Contiguous Lots – Lots which adjoin at any line or point, or that would adjoin except for

separation by a body of water less than 15 feet wide.

Construction – Includes built, erected, altered, reconstructed or any physical operations on the premises which make ready for construction. Excavation, fill, paving, making a drainage system, clearing of vegetation and the like shall be considered as part of construction.

Cross-sectional area – The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

Curb Cut – The opening along the curb line or street right-of-way line at the point at which vehicles may enter or leave the street.

DBH – The diameter of a standing tree measured 4.5 feet from ground level.

Development – Any site improvement or change, including buildings, landscaping, parking areas and streets or private rights- of- way.

Dimensional requirements - Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity - The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway – Access route or right-of-way to one or two single family dwellings.

Earth - Earth means soil, loam, peat, clay, sand, gravel, rock and stone or other material or organic deposits, other than vegetation, in, on or from the land, wetlands or water bodies.

Earth Moving Activity – Activity involving the moving of earth. Moving means the

removal and movement of earth from one place to another. It includes ancillary activities such as lagooning, dredging, excavation, filling and grading.

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

Emergency operations - Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Engineer – Consulting engineer licensed by the State of Maine.

Essential services - Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure - An increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use - The addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Final Subdivision Plan – The final drawings, on which the Applicant's plan of the subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town and the Lincoln County Registry of Deeds.

Floodway - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest management activities - Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested wetland - A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Forest Stand - A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation - The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. 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.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

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 a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

Great pond classified GPA - Any great pond classified GPA, pursuant to Maine Revised Statutes, Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest Area - The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Height of a structure - The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - A home occupation:

(1) Shall be carried on wholly within the principal building or other structure accessory to it, or on the grounds of the property in a manner such that the effect on neighbors is minimized. The business shall be clearly incidental to and compatible with the use of the dwelling unit for residential purposes;

(2) It shall be carried on by or employ members of the family residing in the dwelling unit and may employ no more than the equivalent of two (2) full-time non-family members. A non-family employee is a person not residing in that dwelling unit or not related by blood or marriage to the family;

(3) It shall be clearly subordinate to the use of the dwelling unit as a residence. The floor area devoted to the home occupation may not exceed 50% of the total floor area of the dwelling unit or 1,500 square feet of an accessory building. A Bed and Breakfast, if operated as a home occupation, may have no more than four (4) guest rooms;

(4) There shall be no excessive traffic at any time;

(5) There shall be safe access and egress, and adequate off-street parking for customers; and

(6) It shall not produce unreasonable glare, noise, odor, or dust.

Increase in nonconformity of a structure - Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional - A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Legislative Body - Town Meeting.

Licensed Forester - A forester licensed under Maine Revised Statutes, Title 32 Chapter 76.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Market value - The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - A residential structure containing three (3) or more residential dwelling units.

Native - Vegetation that is indigenous to the local forests.

Net Residential Area or Acreage – The area of a parcel, which is suitable for development as determined by the Planning Board, shall be calculated by subtracting the following from the total or gross acreage of a parcel:

1. Total acreage that is used for street and sidewalk rights-of-way.
2. Portions of the parcel containing slopes over twenty (20) percent.
3. Portions of the parcel shown to be within the 100-year flood plain and floodway as designated on Federal Emergency Management Agency (FEMA) maps.
4. Portions of the parcel located in the Resource Protection District.
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
 - A. Water table at or near the surface for all or part of the year.
 - B. Unstable soils such as Sebago Mucky Peat.
6. Portions of the parcel covered by surface waterbodies.

Net Residential Density - Net Residential Density shall mean the number of units per net residential acre. **Non-conforming condition** – Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line (non-tidal waters) - The 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. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. **(Tidal waters)** - See Coastal Wetlands).

Official Map - The map adopted by the Town, showing the location of public property, roads and approved subdivisions; and any revisions thereto adopted by the Town or additions thereto resulting from the approval of subdivision plans by the Town.

Open Space - Land set aside for passive and/or active use, including recreation purposes, preservation of environmentally sensitive areas, undevelopable land and buffers.

Official Submittal Date - The time of submission of a Pre-application Plan, Preliminary Plan or Final Plan shall be considered the submission date of the application for such plan approval to the Board, complete and accompanied by any required fee and all data required by these Standards.

Operational Necessity - A structure, road, or other construction required for the operation of a commercial fishing or other marine-related business, or for a public recreational activity or facility. Private recreational activities or facilities are excluded.

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

Piers, docks, wharves, bridges and other structures. Structures and uses extending over or beyond the normal high-water line or within a wetland. They can be temporary or permanent:

1. **Temporary:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
2. **Permanent:** Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Planning Board - The Planning Board of the Town created under Maine Revised Statutes, Title 30-A section 3001 as amended.

Preliminary Subdivision Plan - The preliminary drawing indicating the proposed layout of the subdivisions to be submitted to the Board for its consideration.

Principal structure - A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - A use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - The following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - A system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit or dwelling unit - A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area - The average of the basal area of trees remaining on a harvested site.

Residual Stand - A stand of trees remaining in the forest following timber harvesting and related activities

Resubdivision - The division of an existing subdivision.

Riprap - Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. The portion of a river that is subject to tidal action is a coastal wetland.

Road – A currently regularly used and maintained route or track requiring an E-911 name designation under State law, and consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing construction material constructed for or created by the repeated passage of vehicles and which is currently used regularly by motorized passenger vehicles to access from a public road to three or more parcels of land or dwelling units separately owned or noncontiguous parcels if commonly owned; but not including access ways used primarily for forest management activities or agricultural activities. A road may be a privately owned right-of-way or easement, including roads within subdivisions.

Road Classifications:

1. **Arterial Road**: A major thoroughfare which serves as a major traffic way for travel to or through the municipality. The following shall be considered arterial roads:

Route 32 (Waldoboro Rd or Round Pond Rd)
Biscay Rd (Damariscotta Rd)
Turner Rd
Nobleboro Rd (Duck Puddle Rd)

2. **Collector Road**: A road servicing (15) or more lots or dwelling units, or roads which serve as feeder roads to arterial roads. The following publicly owned roads shall be considered collector roads:

Fogler Rd
Heath Rd
Keene Neck Rd
Medomak Rd
Muscongon Rd
Rial Herald Rd
Shore Rd
Storer Rd
Any other road meeting this definition, whether public or private

3. **Minor Road**: A road servicing less than fifteen (15) lots or dwelling units. The following publicly owned roads shall be considered minor roads:

Collamore Rd
Creek Rd
Town Landing Rd
Town Landing Rd on Bremen Long Island

Marble Rd

Any other road meeting this definition, whether public or private

Road Frontage – The distance in feet between the points of intersection of side lot lines with the street or road.

Sand and Gravel Aquifer - Areas identified on sand and gravel aquifer maps published by the Maine Geological Survey which are favorable for the development of ground water supplies from sand and gravel deposits.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

Service drop - Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service

- a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
- b. the total length of the extension is less than one thousand (1,000) feet.

2. In the case of telephone service

- a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
- b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline - The normal high-water line, or upland edge of a freshwater or coastal wetland.

Sidewalk - A paved way for pedestrian traffic, which is constructed adjacent to a road.

Skid Road or Skid Trail - A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - The residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream - A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure - Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on the ground. For the purposes of this Ordinance, fences and structures such as doghouses, treehouses designed for children's use and bus shelters shall not be considered structures. Antennas, windmills and communication towers shall be considered structures.

Subdivision - The division of a tract or parcel of land as defined in Title 30-A § 4401 et. seq., as amended.

Subdivision, Major - A subdivision containing more than four (4) lots or dwelling units or any subdivision containing a proposed public road.

Subdivision, Minor - A subdivision containing not more than four (4) lots or dwelling units.

Substantial start - Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under Maine Revised Statutes, Title 38 section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

Sustained slope - A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal waters – All waters affected by tidal action during the maximum spring tide.

Tributary stream – A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition also does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. Water setback requirements apply to tributary streams within the shoreland zone.

Turnout: An area on either side of a one-lane road or driveway in which a vehicle may temporarily pull over to allow the passage of another vehicle on the road or driveway.

Turnaround: An area at the end of a driveway or dead-end road which loops around back to the driveway or road, or is wide enough for vehicles to turn around in.

Upland edge of a wetland - The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Utilities: All services required by a dwelling unit, including: electricity, telephone, internet, water, sewer disposal, and cable television.

Velocity zone - An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a structure - The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Waterbody: A fresh water body with a surface area greater than ten (10) acres; or any salt water body.

Water crossing - Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - A freshwater or coastal wetland.

Woody Vegetation - Live trees or woody, non-herbaceous shrubs.

CHAPTER II
SUBDIVISION
Subchapter 1
GENERAL PROVISIONS

A. AUTHORITY

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. It is further noted that this ordinance is consistent with the Town of Bremen, Maine, Comprehensive Plan adopted by a vote of the citizens of the Town of Bremen November 18, 2004.

1. This Ordinance has been prepared in accordance with the provisions of the Maine Revised Statutes Title 30-A, §§ 4401-4407 and all amendments thereto.
2. This Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Bremen, Maine."
3. The provisions of this Ordinance shall pertain to all land within the boundaries of the Town of Bremen, Maine.

B. EFFECTIVE DATE

Ordinance is effective on its adoption on March ____ 2012. On enactment of this Ordinance, the Town's Subdivision Ordinance, as enacted on July 18, 1988, and amended on February 15, 2001, and April 2, 2005, is hereby repealed.

C. ORDINANCE APPLICATION

1. No person, corporation or other legal entity may sell, lease, develop, build upon or convey or offer or agree to do so, any land or dwelling unit in a subdivision that has not been approved by the Planning Board. No plan of land within the boundaries of the Town which would constitute a subdivision shall be filed or recorded in the Lincoln County Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board.
2. A person, corporation or other legal entity who sells, leases, builds upon or conveys, offers or agrees to do so any land in a subdivision which has not been approved as required by this Ordinance shall be punished by a fine as set by the Selectmen for each such conveyance, offering or agreement. The Town may institute proceedings to enjoin the violation of this Ordinance.
3. No public utility of any kind shall serve any lot in a subdivision which has not been approved by the Planning Board.

4. Creating a subdivision without Board approval is a violation of law, as is the grading or construction of roads, grading of land or lots, grading or construction of driveways or construction of buildings within the subdivision, until such time as such subdivision shall have been 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 Lincoln County Registry of Deeds.

D. OTHER STATUTES

Whenever the requirements of this Ordinance are at variance with the requirements of other statutes, codes or ordinances, the most restrictive or more restrictive standard shall govern.

Approval under one chapter or provision of this Ordinance does not exempt the Applicant with complying with other applicable chapters, or local, state or federal requirements.

E. SEVERABILITY

In the event that any chapter, section, subsection or portion of this Ordinance is declared to be invalid, such decision shall not be deemed to affect the validity of any other section, subsections or portions of this Ordinance.

F. AMENDMENTS

This Ordinance may be amended, supplemented or repealed in accordance with the provisions of Maine Law. The Ordinance Review Committee or the Planning Board may consider and propose amendments, and present those amendments to the Selectmen for presentation to a regular or special Town meeting, for the Town's consideration. Prior to submitting a proposed amendment to the Selectmen, the Committee or Board shall hold a public hearing on the proposal.

G. FILING

A copy of this Ordinance and any amendments hereto shall be filed with the Town Clerk. Copies shall be available to any member of the public for a fee, to be established by the Selectmen. These monies shall go into the Planning Board administration account.

SUB CHAPTER 2 PROCEDURE

A. ADMINISTRATION

The Planning Board hereinafter called the Board, shall administer this Ordinance.

B. BOARD PROCEDURE

1. Time and Copies

The application shall be submitted to the Town at least two (2) weeks prior to the Planning Board meeting during which the Applicant wishes to be heard. Failure to do so shall require re-submission of the application. The application and all documents shall be submitted in an original and ten (10) copies.

2. Attendance

The Applicant, or the Applicant's duly authorized representative, shall attend all meetings of the Board at which the application is to be considered.

C. PRE-APPLICATION

Prior to submitting an application, the Applicant shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision, which may be of assistance to the Board in making its determination.

1. Sketch Plan

The Sketch Plan shall show, in simple sketch form, neatly done and to scale, the proposed layout of streets, lots and other features in relation to existing conditions. It may be a free-hand, penciled sketch of the parcel. The Sketch Plan shall include:

- a. Boundary lines
- b. Date, North point, graphic map scale (show on plat).
- c. Location of parcels to be dedicated to common use, and the location of all natural features or site elements to be preserved.
- d. Easements - location, width and purpose.
- e. Roads on and adjacent to the parcel.

- f. Walks, curbs, gutter, culverts and other known and located underground structures within the tract and immediately adjacent thereto.
- g. Existing utilities on and adjacent to the tract.
- h. Type of land use on and adjacent to the tract.
- i. Proposed name of the subdivision or identifying title; and
- j. The name and address of owner and applicant, and the names of abutting property owners.

2. Subdivision Information

General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the Sketch Plan. This information shall include:

- a. Information on existing covenants.
- b. A medium intensity standard soil survey.
- c. Available community facilities and utilities.
- d. Information describing the subdivision proposal such as:
 - (1) Number of residential lots;
 - (2) Typical lot width and depth;
 - (3) Playgrounds, park areas and other public areas;
 - (4) Proposed protective covenants; and
 - (5) Proposed utilities and street improvements.

3. First Meeting

At this first meeting, the Planning Board may develop its own initial understanding of the proposal, inform the Applicant of the requirements of later stages of the review, and make specific suggestions that may be incorporated by the Applicant into subsequent submissions. Also at this first meeting, the Board and the Applicant may arrange for a joint inspection of the site within forty (40) days.

4. Completeness

At the next meeting, the Board may inform the Applicant that the sketch plan as submitted or as modified does or does not meet the requirements of the Ordinance. The Board may make specific suggestions to the Applicant.

5. Discussion

No binding commitments may be made between the Applicant and the Board on a pre-application Sketch Plan. The purpose of the pre-application meeting is to informally discuss the proposal and the provisions of Town ordinances.

6. Not Initiation

The submission or review of the Sketch Plan shall not be considered the initiation of the review process for the purposes of Maine Revised Statutes, Title 1 section 302.

SUB CHAPTER 3 APPLICATION

The application may be considered as either a major or minor subdivision.

A. MINOR SUBDIVISION

The following procedures shall apply to a minor subdivision:

1. Within six (6) months after Sketch Plan acceptance by the Board, the Applicant shall submit an application for the consideration of a Final Plan. The Final Plan shall conform to the layout shown on the Sketch Plan with any recommendations made by the Board.
2. The Planning Board shall review the application and determine whether it is complete or, if the application is incomplete, the specific additional material needed to complete the application.
3. At the meeting when the application is found to be complete, the Board shall inform the Applicant of the initial amount of the technical review fee and set a date for a public hearing.
4. Within sixty (60) days of receipt of a completed Final Plan Application, or within forty (40) days of a public hearing, whichever occurs later, the Board shall take action to give final approval, with or without modifications, or disapproval of such Final Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the record of the Board and a copy provided to the Applicant.
5. Notwithstanding the deadlines in the previous paragraph, a Final Plan may not be acted on by the Board until the Applicant has paid the technical review fee and the Board has scheduled and conducted a public hearing thereon.
6. If the proposed subdivision requires a permit under Shoreland Zoning, or from the Bremen Harbor Committee or under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Departments of Environmental Protection or Transportation, the Final Plan shall not be approved until all such approvals are obtained.
7. The Board may require, where it finds that a decision on a Minor Subdivision is unusually complex or that the subdivision has a special impact upon wetlands or wildlife habitat or where high ground water table or steep terrain raise concerns, or where it otherwise seems necessary for

the protection of public health, safety, and welfare, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision. The Planning Board shall specifically identify those additional requirements in writing to the Applicant.

B. MAJOR SUBDIVISION

A major subdivision requires a two step process: a Preliminary Plan and a Final Plan review.

1. Preliminary Plan

- a. Within six (6) months after Sketch Plan acceptance by the Planning Board, the Applicant shall submit an application for a Preliminary Plan for the Subdivision. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.
- b. The Planning Board shall review the application as it does for a Minor Subdivision, with the additional considerations and issues raised because it is a Major Subdivision.
- c. The Planning Board shall review the application and determine whether it is complete or, if the application is incomplete, the specific additional material needed to complete the application. At this meeting, the Planning Board shall inform the Applicant of the initial amount of the technical review fee and set a date for a public hearing.
- d. Within sixty (60) days of receipt of a completed Preliminary Plan Application, or within forty (40) days of a public hearing, whichever occurs later, the Board shall take action to give preliminary approval, with or without modifications, or disapproval of such Preliminary Plan. The reasons for any modifications required or the grounds for disapproval shall be stated upon the record of the Board and a copy provided to the Applicant.
- e. Notwithstanding the deadlines in the previous paragraph, a Preliminary Plan may not be acted on by the Board until the Applicant has paid the technical review fee and the Board has scheduled and conducted a public hearing thereon.
- f. The Planning Board shall notify the Road Commissioner, School Superintendent, Conservation Commission, Harbor committee, and Fire Chief of the particulars of the proposed subdivision. The Planning Board shall request that each of these officials comment upon the proposed subdivision.

- g. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or subdivision, it is only approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan.

2. Final Plan

- a. The Applicant shall, within six (6) months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Subdivision Plan. The Applicant may be granted an extension by the Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after approval of the Preliminary Plan, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan.
- b. If the proposed subdivision requires a permit under Shoreland Zoning, the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Departments of Environmental Protection or Transportation, the Final Plan shall not be approved until all such approvals are obtained.
- c. Water Supply system proposals contained in the Final Plan shall be approved in writing by a civil engineer registered in this State unless individual wells serving each building site are to be used. The Board may also require the applicant to submit the results of water quality tests as performed by the Department of Human Services.
- d. Sewage disposal system proposals or locations contained in the Final Plan shall be properly endorsed and approved in writing by the Department of Human Services, if a separate central sewage collection and treatment system is to be utilized, or the local Plumbing Inspector if individual septic systems are to be installed. Such approval shall be secured before submission of the Final Plan.
- e. A public hearing may be held concerning the Final Plan.
- f. A Plan may not be approved by the Planning Board as long as the applicant is in non-compliance on a previously approved Plan.
- g. The Board shall act on a Final Plan within sixty (60) days from the date of receipt of the completed application or forty (40) days from the date of the public hearing, whichever is later, unless the applicant agrees to an extension of the period.
- h. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions of the Plan. The Applicant may request that only a section of the approved Plan be

filed with the Board and the Registry of Deeds if said section constitutes at least twenty-five (25) percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval on the remaining sections of the Plan shall remain in effect for two (2) years or a period of time mutually agreed to by the Board and the applicant.

SUB CHAPTER 4 APPLICATION

A. APPLICATION CONTENTS

The following submissions shall be provided for all subdivisions, both major and minor, unless the Planning Board determines by majority vote that, based on evidence provided by the applicant, that one or more submissions are not applicable due to the size, location, type or physical feature of the proposed subdivision.

1. Requirements.

The Applicant and documents, as follows:

- a. Name and address of Owner.
- b. Name and address of Applicant (if other than owner).
- c. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
- d. Name and address of applicant's authorized representative.
- e. Name, address, and number of Registered Professional Engineer, Land Surveyor, or Planner.
- f. Address to which all correspondence from the Board should be sent.
- g. The interest the applicant has in the parcel to be subdivided (option, purchase and sale contract, record ownership, etc.).
- h. The interest the applicant has in any property abutting the parcel to be subdivided.
- i. State whether the Plan covers all contiguous holdings of applicant and owner or not.
- j. A copy of the organization charter of the subdivision.
- k. Adequate evidence of applicant's financial ability to meet the expenses of subdivision development.
- l. Statement of applicant's responsibility for maintenance of common areas prior to the assumption of this obligation by a future lot owner association.

2. Parcel.

Information on Parcel to be subdivided as follows:

- a. Location of property: book and page (from Registry of Deeds) and Map and lot (from Assessors office).
- b. Current zoning of property.
- c. Acreage of parcel to subdivided.
- d. A soils report, identifying soil types and location subsurface wastewater disposal soil test areas. There shall be at least one satisfactory subsurface wastewater disposal soil test per lot.
- e. The terms of any restrictive covenants to be placed in subdivision lot deeds.
- f. A soil erosion and sedimentation control plan.

3. Abutters.

A list containing the names and addresses of owners of record of properties within 500 feet of the proposed subdivision boundaries, including any property directly across an existing public road or private right-of-way from the subdivision.

4. Location Map.

A Location Map drawn on a United States Geological Survey topographic map at 7.5 or 15 minute series, as appropriate, showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show all the area within 2,500 feet of any property line of the proposed subdivision showing:

- a. The location and boundaries of the proposed subdivision;
- b. All existing subdivisions and approximate boundaries of abutting parcels.
- c. The public and private roads presently existing.
- d. The boundaries and designations of parks and other public spaces.

5. Final Plan.

The Final Plan and accompanying materials shall show:

- a. All existing information provided as part of the Sketch and Preliminary Plans.
- b. The name, registration number and seal of the land surveyor or engineer who prepared the plan.
- c. Number of acres within the proposed subdivision and zone boundaries.
- d. A standard boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to readily locate and appraise the basic layout in the field.
- e. Proposed lot lines with dimensions, lot numbers, areas in square feet and suggested locations of buildings.
- f. Location, widths and names of existing, filed or proposed roads, rights of way, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in paragraph 3 above.
- g. An outline of the proposed subdivision together with its road system and an indication of the future probable road system of the remaining portion of the tract, if the Plan submitted covers only part of the subdivider's entire holding.
- h. Sufficient data to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground. Property lines of all lands adjoining the subdivision shall be shown.
- i. Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.
- j. Proposed easements, open spaces, forested areas, perennial and intermittent watercourses, and wetlands, and other habitat as depicted on the Bremen Habitat Map, dated November 2007, and all amendments and revisions thereto. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.
- k. Contour lines at intervals of not more than five (5) feet.
- l. Connection with existing or proposed water supply or alternative means of providing water supply.

- m. Connection with existing or proposed sanitary sewerage system or alternative means of proposed treatment.
- n. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil ground water conditions and depths to maximum ground water level. A completed HHE 200 form must be submitted with the preliminary.
- o. Typical erosion control procedures to be applied to each lot.
- p. Preliminary designs of any bridges or culverts, which may be required along with State approval if, required.
- q. The location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- r. The location of all natural features or site elements to be preserved.
- s. Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- t. Base flood elevation data.
- u. The location of significant natural resources including important deer wintering areas, other important plant or wildlife habitat and areas with visual significance.
- v. The location of any trail, trail system or greenbelt that crosses the property.
- w. A phosphorous control plan for any portion of the subdivision within the watershed of a waterbody.
- x. Any conditions of approval required by the Board.
- y. A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the Plan and shall require further approval of the Board.
- z. Where the subdivision roads 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."

6. Plan Submissions.

Each application shall be submitted with two (2) full size copies plus ten (10) reduced size copies of each map or drawing, together with ten (10) copies of any attachments required for review. For a Final Plan, the submission shall also include two (2) mylar copies. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch. Space shall be reserved for endorsements by all approving agencies.

B. MAJOR SUBDIVISION APPLICATION

In addition to the general application requirements, a major subdivision shall also provide the following information:

1. Preliminary Plan.

A Preliminary Subdivision Plan shall be submitted. The Preliminary Plan and accompanying materials shall show:

- a. All information required on a Sketch Plan, application and Plan information required for a Minor Subdivision.
- b. Typical cross-sections of the proposed grading for roadways, sidewalks, etc. including width, type of pavement, elevations and grades. All such plans shall be based on an on-ground topographic survey at two (2) foot contour interval or less.
- c. A medium-intensity soils map that encompasses the area to be subdivided. The Planning Board may require submission of a high-intensity soils map if needed to properly evaluate the application.
- d. For major subdivisions that are not served by public sewer, a hydrogeologic assessment prepared by a certified geologist or registered professional engineer experienced in hydrogeology.
- e. A storm water management plan, prepared by a registered professional engineer. It shall be designed so that the post-development storm water runoff does not exceed the pre-development storm water runoff for the 24-hour duration, and 2-, 10-, and 25-year frequency storm events. The storm water plan shall be prepared in accordance with *Stormwater Management for Maine: Best Management Practices*, latest edition, prepared by the Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The storm water plan shall include the following information for the pre- and post-development conditions:

drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the stormwater plan and calculations by the Knox-Lincoln Soil and Water Conservation District.

- f. An erosion and sediment control plan shall be prepared in accordance with the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided:

- (1) The name, address, and telephone number of the person responsible for implementation of the plan.
- (2) A vicinity map showing the location of waterbodies that may be affected by erosion and sedimentation from the project.
- (3) Existing and proposed drainage patterns, including drainage channels that drain to surrounding waterbodies.
- (4) A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
- (5) Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
- (6) Description of temporary and permanent erosion control practices that will be used.
- (7) Identification of the locations of the temporary and permanent erosion control practices.
- (8) Identification of how and where collected sediment will be disposed.
- (9) Dust control measures.
- (10) Inspection and maintenance procedures, including schedule and frequency.

The Board may require the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District.

- g. A plan for ensuring an adequate on-site water supply for fire suppression. The plan shall include any existing or proposed perpetual easements necessary to ensure access to the fire fighting water supply
- h. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects an existing or proposed public or private road.

For subdivisions that will generate more than 200 vehicle trips per day, a traffic impact analysis prepared by a registered professional engineer with experience in traffic engineering. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service on the road giving access to the subdivision and neighboring roads that may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates shall be obtained from the latest edition of "Trip Generation", published by the Institute of Transportation Engineers.

- i. A phosphorous control plan for any portion of the subdivision within the watershed of a great pond.
- j. If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP as sufficient.
- k. A description of the subdivision's affordable housing component.
- l. A groundwater impact assessment.
- m. A plan for summer and winter maintenance of all proposed roads by lot owners. Such plan shall include provisions for establishing, approving and annually funding a road maintenance budget by lot owners sufficient to keep all roads in good repair. All lot owners shall be required to participate in such plan.

2. Notice on Historic Preservation

An owner or his authorized agent shall submit information on the location of the development to the following address:

State Historic Preservation Officer
Maine Historic Preservation Commission

55 Capitol Street
State House Station 55
Augusta, Maine 04333-0055

The submission shall include a request that the Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

C. FINAL PLAN

1. Final Plan.

The Final Plan shall be submitted with two (2) mylar originals in addition to the other required copies. All maps and drawings shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:

- a. All of the information presented on the Preliminary Plan, Location Map and any amendments thereto suggested or required by the Board.
- b. The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.
- c. Any conditions of approval required by the Board.
- d. A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.

2. Deeds or Easements.

The applicant shall submit to the Board with the Final Plan, all deeds or easements to the Town of all public open space shown on the Plan that is to be transferred to the Town, and also copies of agreements or other documents showing the manner in which other spaces are to be reserved by the applicant.

SUB CHAPTER 5 GENERAL REQUIREMENTS

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. CONFORMITY WITH COMPREHENSIVE PLAN

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

B. STATE REVIEW

If the subdivision meets the definition of subdivision as defined in the Site Location Act, Maine Revised Statutes, Title 38 section 482, the Applicant must secure the approval of the Board of Environmental Protection. Each review may be conducted simultaneously. However, each review is independent, and the Planning Board may deny approval even though the Board of Environmental Protection has granted an approval.

C. GENERAL STANDARDS

The following general standards apply:

The Proposed subdivision:

1. Pollution.

Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:

- a. The elevation of the land and its relation to 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 effects on effluents;
- d. The availability of streams for disposal of effluents; and
- e. The applicable State and local health and water resources regulations.

2. Water.

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

3. Water supply.

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

utilized;

4. Soil Conditions.

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. Traffic.

Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads, existing or proposed, and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, Maine Revised Statutes section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 Maine Revised Statutes, section 704 and any rules adopted under that section

6. Waste disposal.

Will provide for adequate solid and sewage waste disposal;

7. Municipal facilities.

Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste and sewage with respect to the use of municipal facilities, existing or proposed;

8. Municipal services.

Will not place an unreasonable burden on the ability of the Town to provide municipal or governmental services;

9. Natural areas.

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 Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

10. Local Plans and Ordinances.

Is in conformance with the Comprehensive Plan, Shoreland Zoning Ordinance, Floodplain Management Ordinance, Site Review Ordinance, or other duly adopted town ordinances or regulations. In making this determination, the Planning Board may interpret these ordinances and plans;

11. Financial and technical capacity.

The applicant has adequate financial and technical capacity to meet the required standards;

12. Shoreland.

Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in the Town's Shoreland Zoning Ordinance, the proposed subdivision will not adversely affect the quality of water or unreasonably affect the shoreline of that body of water.

13. Groundwater.

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

14. Flood Zone.

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

15. Wetlands.

All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands;

16. Waterway.

Any river, stream, or brook, as defined in the Natural Resources Protection Act, Maine Revised Statutes Title 38, Section 480-B, within or abutting the subdivision has been identified on any maps submitted as part of the application;

17. Storm water.

The subdivision will provide for adequate storm water management;

18. Shore frontage.

If any lots in the proposed subdivision have shore frontage on a river, stream,

great pond or tidal waters as defined in the Shoreland Zoning Ordinance, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

19. Phosphorus.

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

20. Adjoining Town.

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

21. Timber Harvesting.

Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Maine Revised Statutes, Section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Maine Revised Statutes chapter 76. If a municipal reviewing authority requests technical assistance from the Bureau, the Bureau shall respond within 5 working days regarding its ability to provide assistance. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The Bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the Bureau notifies a municipal reviewing authority that the Bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, Maine Revised Statutes section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Maine Revised Statutes Title 12 Section 8869, subsection 14.

D. RETENTION OF PROPOSED PUBLIC SITES AND OPEN SPACES

1. Open Space.

In order to preserve the rural character of the Town and to restrain an increase of population density, the Planning Board shall, in any subdivision larger than twenty-five (25) acres, require the Applicant to provide no less than twenty percent (20%) of total buildable area as open space. In any subdivision between twenty-five (25) and ten (10) acres, the Planning board may, but is not required to, require the Applicant to provide no less than ten percent (10%) of total buildable area as open space.

a. The Planning Board may require a larger area as open space if it finds it is necessary to preserve wildlife habitats, important natural features, access water bodies, wetlands, exceptional scenic views, important archeological or historical sites.

b. The acreage dedicated to open space should be one contiguous area and, to the extent possible, abut any previously designated open space, conserved areas and easements, or public space in any properties adjacent to the subdivision.

c. The provision of an area to be designated as open space does not cause a Minor Subdivision to become a Major Subdivision

2. Historical Site.

The Planning Board shall consider the comments of the State Historic Preservation Office, if any, and may require that significant archaeological or historical sites be preserved to the maximum extent possible both during construction and following completion of the development.

3. Recreational land.

Land reserved for park and/or recreational purposes shall be of a character, configuration, size and location suitable for the particular use intended. The Planning Board shall consider the comments of the Conservation Commission, if any. The configuration of such sites shall be adequate with regard to scenic attributes to be preserved, together with sufficient areas for parking, access, road frontage, trails, lookouts, etc., where necessary and appropriate. It is desirable that areas reserved for recreation be easily accessible from all lots within the subdivision.

4. Ownership.

Ownership shall be clearly indicated for all reservations of open space, park and recreational purposes and shall be clearly established in a manner to ensure the continuation of responsibility for ownership and maintenance.

E. ABUTTING WATER

Where the proposed subdivision abuts or contains a water body, the Board may require the applicant to reserve an area of land abutting the water body as open space or a recreational area to the extent necessary to properly serve the residents. The cost of maintenance and development of the reserved land shall be borne by the property owners. The manner of providing for the cost of development, maintenance and access rights of way to this reserved land shall be included in the instrument of conveyance to each property owner of the subdivision.

F. PRESERVATION OF NATURAL AND HISTORIC FEATURES

The Planning Board shall require that a proposed subdivision design include a landscape and open space plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, waterbodies and the preservation of scenic, historic or environmentally desirable areas. The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible. A fifty (50) foot buffer strip shall be provided where the proposed subdivision abuts an existing road.

G. TRAFFIC SIGHT DISTANCE

All points of access from the subdivision onto existing or proposed roads shall be so designed in profile and grading and so located as to provide a minimum sight distance in each direction of 10 feet per each mile per hour of posted speed limit. The measurements shall be from the driver's seat of a vehicle standing on the exit driveway 12 feet behind the curb line or edge of travelway, with the height of eye 3.5 feet to the top of an object 4.25 feet above the pavement.

H. CONFORMANCE TO SHORELAND ZONING

The proposed subdivision shall conform to the Shoreland Zoning Ordinance for the Town.

I. EASEMENTS FOR NATURAL DRAINAGE WAYS

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

J. NET RESIDENTIAL DENSITY

The calculation of density for all residential subdivisions shall be based on the net

residential area or acreage of the parcel as defined herein.

K. DENSITY

Lots and Density shall be as follows:

1. Contiguous lots.

Only contiguous buildable land shall be counted for purposes of calculating minimum lot size.

2. Minimum Size.

Each lot shall be the minimum size required by other Town ordinances.

3. Lot sizes.

The width, depth, shape and orientation of lots shall be appropriate for the location of the subdivision and for the contemplated type of development.

4. Cluster developments.

For cluster developments, overall net density shall not be greater than the density that would result from the creation of individual, non-clustered lots. Density shall be calculated by dividing the net residential acreage within the subdivision (including open spaces or common recreational areas) by the number of proposed units.

5. Off-street parking.

Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development proposed.

6. Multiple frontages.

Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

7. Length to width ratio.

The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

L. UTILITIES

1. Plan depiction.

The size, type and location of public utilities, such as street lights, electricity, telephone wires and poles, fire hydrants, etc., shall be depicted on the Plan or described in the application.

2. Underground.

The Board may require utilities to be installed underground if it concludes that the public benefits in visual effect and operating reliability justify the cost.

3. Flood plain.

All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

M. EROSION AND SEDIMENTATION CONTROL SHALL BE AS FOLLOWS:

1. Fill.

All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall meet the recommendations in the latest revision of the Environmental Quality Handbook prepared by the Maine Soil and Water Conservation Commission, June 1974, revised March 1986. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

- a. Mulching and revegetation of disturbed soil.
- b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches or other methods recommended in the Environmental Quality Handbook.
- c. Permanent stabilization structures such as retaining walls or riprap, in accordance with standards recommended in the Environmental Quality Handbook specified above..

2. Erosion.

In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible. The top of a cut or bottom of a fill section shall not be closer than fifty (50) feet from any abutting property line.

3. Control measures.

Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Exposed ground.

Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

- a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
- b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
- c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Drainage.

Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

6. Disturbed ground.

All projects over one-hundred (100) square feet of disturbed ground that require a permit under this Ordinance shall conform to the requirements of Section A or B, below, as applicable.

Section A projects are classified as a project where there is ground disturbance of more than one-hundred (100) square feet and less than or equal to forty-thousand (40,000) square feet of cumulative disturbed ground including where soil is stored. Section B projects are greater than 40,000 square feet.

7. Plan.

The Applicant shall submit an Erosion and Sedimentation Control Plan

The Erosion and Sedimentation Control Plan shall include graphic and written plans and shall conform to the following standards:

a. The graphic plan shall include the following:

- (1) Grades or direction of slope on the site; slopes over 25% shall be identified
- (2) Areas that will be regraded or where vegetation will be removed or disturbed
- (3) Locations of temporary erosion control measures such as silt fence, sediment basins, check dams or diversion ditches
- (4) Locations of permanent erosion control measures such as grassed or riprapped ditches, plunge pools, ponds, berms or subsurface drainage structures
- (5) Areas that will be mulched and reseeded
- (6) Locations where topsoil will be stockpiled
- (7) Locations and composition of buffer strips to water bodies
- (8) Existing and proposed culverts and sizes

b. The written plan shall include the following:

- (1) Description of plans for temporary seeding in conformance with U.S.D.A. standards, or recommendations from a certified professional in erosion and sediment control.
- (2) Description of plans for permanent seeding in conformance with U.S.D.A. standards, or recommendations from a certified professional in erosion and sediment control.
- (3) Description of plans for temporary mulching in conformance with U.S.D.A. standards, or recommendations from a certified professional in erosion and sediment control.
- (4) Description of plans for temporary runoff control such as silt fencing or diversion ditches in conformance with U.S.D.A. standards or recommendations from a certified professional in erosion and sediment control.

c. The Erosion and Sedimentation Control Plan shall meet the following standards:

- (1) A site shall be developed in such a way as to minimize erosion.
- (2) Areas to be stripped or regraded shall be protected by temporary erosion control measures.
- (3) Temporary seeding and mulching shall be applied as soon as possible to exposed areas being developed but in no case more than 1 week from the time they were last actively worked.
- (4) Until a disturbed area is stabilized, sediment in water shall be trapped in a sediment basin or similar erosion control structure.
- (5) Within 15 days of reaching final site grades, permanent seeding and erosion control shall be completed for all areas to be revegetated.
- (6) On slopes greater than 25%, there shall be no grading or filling within 100 feet of the normal high-water mark except to protect the shoreline and prevent erosion.
- (7) The Applicant is responsible for maintenance of all aspects of temporary and permanent erosion control.
- (8) Topsoil and fill stockpiles shall be at least 100 feet from all water bodies and protected by suitable erosion control measures.
- (9) In addition, should the amount of soil disturbance require more information, the Planning Board may require any of the following:
- (10) That the Plan be prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part hereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided:
 - (a) The name, address, and telephone number of the Applicant.
 - (b) The name, address, and telephone number of the person responsible for implementing the plan.

(c) A vicinity map showing the location of waterbodies that may be affected by erosion and sedimentation from the project.

(d) Existing and proposed drainage patterns, including drainage channels that drain to surrounding waterbodies.

(e) A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.

(f) Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.

(g) Description of temporary and permanent erosion control practices that will be used.

(h) Identification of the locations of the temporary and permanent erosion control practices.

(i) Identification of how, where and when collected sediment will be disposed.

(j) Dust control measures.

(k) Inspection and maintenance procedures, including schedule and frequency by the person responsible for implementing the plan.

(l) Description of when and how temporary and permanent erosion and sedimentation control practices, as applicable, will be removed.

11. The Board may require the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District at the Applicant's expense.

N. ADDITIONAL REQUIREMENTS

1. Greenery.

Trees, bushes, plantings and greenery may be required along roads and/or in open space, if the Board concludes that those requirements would insure consistency with the Town's traditional visual and aesthetic qualities. Where such improvements are required, they shall be incorporated in the Final Plan.

2. Noise.

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 planting screen easement at least twenty (20) feet wide between abutting properties that are so endangered.

The Subdivision shall be so designed as to maximize the probability that as it is developed, it will meet the noise level requirements of the Town's Site Review Ordinance.

3. Large lots.

Where a tract is subdivided into lots that are more than twice the required minimum lot size, the roads and lots shall be laid out so as to either permit or preclude future resubdivision in accordance with the requirements contained in this Ordinance.

O. REQUIRED IMPROVEMENTS

The following are required improvements: monuments, street signs, roads, landscaping, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of this Ordinance.

P. IMPACT ON GROUND WATER QUALITY

A hydrogeologic assessment is required only for a major subdivision. The Board may require it for a minor subdivision if it finds that the assessment is necessary because of known soil conditions, or drainage issues, the location of known aquifers, or the proximity of water bodies into which the subdivision may drain.

1. Information.

The assessment shall contain at least the following information:

- a. A map showing the basic soils types.
- b. The depth to the water table at representative points throughout the subdivision.
- c. Drainage conditions throughout the subdivision.
- d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision and at the subdivision boundaries. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.

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

2. Drought.

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

3. Contaminants.

No subdivision shall increase any contaminant concentration in the ground water, at any on-site well, at any lot line or at the subdivision boundary to more than the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water at any on-site well, at any lot line, or at the subdivision boundary to more than the Secondary Drinking Water Standards.

4. Quality.

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. Secondary standards.

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. Waste Water.

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 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.

7. Groundwater.

Projections of groundwater quality shall be made at any wells within the development site and at the development's boundaries or at a distance of five hundred (500) feet from potential contamination sources, whichever is a shorter distance.

Q. PHOSPHOROUS CONTROL

For subdivisions located within the watershed of a great pond, phosphorous export from construction and long term operation shall be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection and described in "Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development (September, 1992)".

R. AFFORDABLE HOUSING COMPONENT

All subdivisions that consist of at least ten (10) lots shall include an affordable housing component. At a minimum, the Applicant shall provide one lot for affordable housing for each ten (10) lots of market rate housing. Where the calculation of affordable lots results in a fraction of a lot, the required affordable lot shall be rounded up to the next highest number. Said affordable lots may be located within the project parcel or elsewhere in Town. For the purposes of this section, a lot for affordable housing shall mean an individual lot to be used for an affordable single family detached home.

S. MONUMENTS

Permanent monuments shall be set at all corners and angle points of the subdivision lots and boundaries; and at all intersections and points of curvature.

All road angle monuments shall be constructed of stone and shall be a minimum of four (4) inches by four (4) inches and four (4) feet long. All other monuments shall be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The monument shall clearly show the registration number or temporary certificate number of the registered land surveyor responsible for survey. Where the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close to that point.

U. ROAD SIGNS AND LIGHTING

Road signs shall be named and posted as required by State law. The developer shall reimburse the town for the costs of installing road name, traffic safety and control signs.

V. ROADS

1. Classification.

For the purposes of this Ordinance, roads are classified by function, as follows:

- a Arterial roads;**
- b Collector roads;**
- c Minor roads; or**
- d Driveways**

2. Layout

Roads shall be designed and laid out as follows:

- a Roads shall be designed to discourage through traffic on minor roads within a subdivision.**
- b All roads in the subdivision shall be so designed to provide safe vehicular travel while discouraging movement of through traffic.**
- c The arrangement, character, extent, width, grade and location of all roads shall be considered in their relation to existing or planned roads, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of roads shall conform as closely as possible to the original topography within the limits of these Standards.**
- d Adequate off-road parking, suitably surfaced, shall be provided in connection with lots designed for commercial and industrial uses.**
- e Single-family subdivisions may have one dead-end road, up to 1,000 feet in length, with turnaround connecting with existing public roads on an approved subdivision plan.**
- h The Board may require right-of-way widths be provided if it determines that future extension of the street may occur. Such additional widths shall be consistent with the right-of-way width of the dead-end street.**
- i All subdivisions shall be designed to provide access to individual lots only by interior subdivision roads. Direct access from any public road to any lot in a proposed subdivision shall be prohibited unless**

the Planning Board determines that physical conditions unique to the parcel justify the granting of a waiver from this requirement. A waiver shall be granted only if one of the following conditions is met:

- (1) There is too little road frontage to reasonably allow creation of a new way; or
- (2) The shape or physical condition of the parcel does not permit access to or creation of a street other than the existing public way;

If the Board grants a waiver under this section, common access shall be utilized which will allow all proposed lots to be serviced by common curb cuts.

Road entrances onto existing state-aid or state highways in the above-described areas, and driveway or street entrances onto existing state-aid or state highways in all other areas must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the Board at the time of final review.

- j Where subdivision roads are to remain private roads, the following statement shall appear on the plan to be recorded:

"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 unless they meet all municipal street design and construction standards and are approved as such by the Town Meeting."

3. Existing Narrow Roads

Where a subdivision borders an existing narrow road not meeting the width standards of this Ordinance or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land of a subdivision, the plan shall indicate reserve areas for widening or realigning the street marked "Reserved for Street Realignment (Widening) Purposes". Land reserved for such purposes may not be included in computing lot area or setback requirements. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

4 Two Road Connections

Any proposed road or lengthening or alteration to an existing road which, on the basis of a specific development proposal or on the basis of available road frontage, could generate more than 200 vehicle trips per day shall have at least two road connections with existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted. The Applicant may agree in writing, subject to Board approval, to limit development to less than 200 vehicle trips per day until such time as a second road connection is developed. For purposes of computing vehicle trips per day, the Applicant shall use the latest edition of Trip Generation published by the Institute of Transportation Engineers.

5. Design Standard

The following design standards shall apply according to the street classification:

Description	Type of Road		
	Collector	Minor	
Driveway			
Minimum Right-of-Way	50'	50'	N/A
Minimum Pavement Width	24'	20'	12'
Minimum Grade	.5%	.5%	N/A
Maximum Grade	6%	6%	15%
Minimum Centerline Radius	230'	150'	N/A
Minimum tangent between curves of Reverse alignment	200'	100'	N/A
Roadway Crown	1/4"/ft	1/4"/ft	N/A
Maximum grade within 75ft of intersection	2%	2%	2%
Minimum curb radii at intersections	20'	15'	10'
Minimum r/o/w radii at intersections	10'	10'	10'
Minimum width of shoulders (each side)	3'	3'	3'

* or 5' – 15'

6. Driveway

Any driveway, or private right-of-way accessing a public road, must have a clear passage of 25 feet across its entrance. If it accesses a public road that is sloped and ditched, the driveway or right-of-way must have a culvert to bridge the road ditch that is at least 12" in diameter and 25 feet long.

- a. Driveways shall be set back at least 20 feet from side and back lot lines, except curb cuts may extend to side lot lines. Driveways shall be constructed at an angle of 90 degrees to a public road if conditions permit, but in no case less than 60 degrees.

- b. A new driveway shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the public road. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals.
- c. Any driveway longer than 200 feet shall have turnarounds provided for emergency vehicles, and those longer than 400 feet shall have turnouts at a minimum of every 200 feet.

7. Dead End Roads

In addition to the design standards above, the design of the turnaround for dead end roads shall be approved by the Road Commissioner. The Board may require the reservation of an easement to provide continuation of pedestrian traffic or utilities or to provide continuation of the road where future subdivision is possible.

8. Grades, Intersections and Sight Distances

- a. Grades of all roads shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.
- b. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the road design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (ft)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3½ feet and the height of object at 4½ foot.

- c. Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. 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 pavement, with the height of the eye 3½ feet, to the top of an object 4½ feet above the pavement. Required sight distances may be reduced upon recommendation of the Road Commissioner

if he determines that the reduction will not significantly impact public safety, the sight distance is maximized to the greatest extent possible, and there is no feasible alternative location. In making this determination, the Road Commissioner may consult the Maine Department of Transportation.

Posted Speed Limit (mph) Sight Distance Left (ft) Sight Distance Right (ft)

20	120	130
25	120	130
30	220	260
35	220	260
40	380	440
45	380	440
50	620	700

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

- d. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important intersections. A minimum distance of 200 feet shall be maintained between centerlines of side streets.

9. Road Construction Standards

- a. The following are minimum thicknesses after compaction.

Road Materials	Minimum Requirements		
	Collector	Minor	Driveway
Aggregate Sub-base Course (maximum sized stone 4")	18"	18"	12"
Crushed Aggregate Base Course	3"	3"	
Hot Bituminous Pavement *			
Total Thickness	2½"	2½"	
Surface Course	1"	1"	
Base Course	1½"	1½"	

- b. Bases and Pavements

- (1). **Bases.** The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a 4 inch square sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
¾ inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the sub-base shall contain no particles of rock exceeding 6 inches in any dimension. The aggregate base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
½ inch	45-70%
¾ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding 2 inches in any dimension.

- (2) **Pavement Joints.** Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.
- (3) **Pavements.** Minimum standards for the base layer of pavement shall be the MDOT specification for plant mix grade B. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C.

C. Cleanup

Following road construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire road right-of-

way. If on-site disposal of the stumps and debris is proposed, the disposal site shall be indicated on the plans and be suitably covered with fill and topsoil, limed, fertilized and seeded.

10. Sidewalks

If sidewalks are proposed on the project site or adjacent properties or if significant pedestrian traffic is anticipated, the Planning Board may require specific standards for sidewalks which meet the following minimum requirements:

- a. Bituminous Sidewalks. The crushed aggregate base course shall be no less than 8 inches thick. The hot bituminous pavement surface course shall be no less than 2 inches after compaction.
- b. Portland Cement Concrete Sidewalks. The sand base shall be at least 6 inches thick. The Portland cement concrete shall be 4 inches thick and be reinforced with 6-inch square, no. 10 wire mesh.

11. Water Supply

- a. Water Storage shall be provided at the subdivider's expense, as necessary to meet fire protection needs as determined by the Fire Department.
- b. When fire fighting water supply or hydrants are required but not located within a proposed or existing right of way of a public street, perpetual easements shall be provided to the Town allowing for maintenance, improvements, testing and use.

12. Sewage Disposal

In considering lots, their size, and location, and the Plan, the Board shall consider soil types and the requirements of State law for wastewater disposal.

Each building lot in a new subdivision shall pass a soils test for an individual subsurface disposal system. The Board may waive this requirement if the subdivision has a centralized waste water disposal system and requires all lot owners are required to use that system.

13. Surface Drainage

- a. All improvements recommended in the drainage plan shall be shown on the Plan.

- b. A developer shall identify measures to correct or prevent soil erosion in the proposed subdivision as detailed in the sedimentation and erosion plan.

SUB CHAPTER 6 APPROVED APPLICATION REQUIREMENTS

A. FILING

The following recording is required for all approved subdivisions:

1. **Mylars.**

Upon approval, the mylar copies plus two (2) copies shall be properly signed by a majority of the members of the Board, using black ink.

2. **Filing.**

After the Final Plan is signed by the Board, the mylars and one (1) copy of the plans shall be returned to the Applicant. One (1) signed copy shall be retained by the Town. The Plan shall be filed by the Applicant with the Lincoln County Registry of Deeds, and one (1) signed mylar copy with the recording information noted on it shall be returned to the Town. A Subdivision Plan not so filed or recorded within sixty (60) days of the date upon which such Plan is approved, shall become null and void, unless the particular circumstances of said Applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. This 60-day period shall begin the day the plan is signed by the Planning Board.

3. **Extensions.**

Any extension of this 60-day period must be requested of the Planning Board before the first 60-day period expires. The Applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Lincoln County Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Lincoln County Registry of Deeds and a letter from the Applicant has been submitted to the Town stating that all permanent monuments as required by Subchapter 5, paragraph 5, of this Ordinance have been placed.

B. PLAN REVISIONS AFTER APPROVAL

Changes, erasures, modifications, or revisions shall not be made to any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Board approves the revision. All amended plans must be signed by the Board and recorded in the Lincoln County Registry of Deeds as required for an approved final plan. In the event that a Final Plan is recorded without complying with this requirement, the Board may file an affidavit with the Lincoln County Registry of Deeds stating that the plan is null and void.

C. PUBLIC ACCEPTANCE OF ROADS, RECREATION AREAS

The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space, or park, playground or other recreation area shown on such Plan. The Board shall require the Plan to be endorsed with appropriate notes to this effect.

1. Fee.

2. Use of fee.

B. PERFORMANCE GUARANTEES

CLIMATE CHANGE Subdivision Ordinance Dec 2012 Draft doc December Subdivision Ordinance 5th Draft October 5 2011

letter of credit to cover the full cost of required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs, or some other form of surety that is acceptable to the Board of Selectmen. For the purposes of this section, required improvement shall mean all public and private streets, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such performance guarantee shall be satisfactory to the Board of Selectmen, with the advice of the Road Commissioner, the Planning Board, and a Professional Licensed Engineer, and as to form, sufficiency, manner of execution and surety, the municipal attorney

1. Contents of Guarantee:

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

2. Escrow Account:

A cash contribution to the establishment of an escrow account shall be made by either a certified check, made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the Applicant, the Town shall be named as owner. Any interest earned on the escrow account shall be returned to the Applicant unless the Town has found it necessary to draw on the account, in which case the interest earned will remain with the account until the project is complete and the performance guarantee is no longer necessary.

3. Performance Bond:

A performance bond shall detail the conditions of the bond, the method of release of the bond or portions of the bond to the Applicant, and the procedures for collection by the Town of Bremen. The bond documents shall specifically reference the subdivision for which approval is sought.

4. Letter of Credit:

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

5. Phase Guarantees:

At the discretion of the Board of Selectmen, the Applicant may be allowed to submit individual guarantees for each phase of a project's development. If this

option is chosen, prior to submission of each individual guarantees, the developer shall submit to the Town a written statement detailing completion dates for all streets and other public improvements planned for that phase.

6. Time:

A period of one year (or such period as the Board of Selectmen may determine appropriate, not to exceed three (3) years) shall be set forth in the guarantee time within which required improvements must be completed.

7. Release

The performance guarantee shall not be released by the Board of Selectmen until:

- a. The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.
- b. The Board of Selectmen and Code Enforcement Officer have examined the site, have reviewed the inspecting engineer's report and concur with his findings. Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

C. INSPECTION OF REQUIRED IMPROVEMENTS AND FEE

1. Prior Notice.

At least five (5) days prior to commencing construction of required improvements, the Applicant shall notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of such improvements so that the Board of Selectmen can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above.

2. Inspection.

The Town shall cause inspection to be made either by a professional retained by the Town or, at the Town's discretion, by the Applicant's engineer, in order to ensure that all specifications and requirements are met during construction. If the Town retains a professional to inspect, the Applicant shall be assessed an

estimated fee to cover the costs of such inspection. That fee shall be paid immediately prior to the inspection.

3. Inspection fee.

No building permits shall be issued on the project and no work begun until the inspection fee has been paid.

4. Failure to construct.

If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Applicant, the inspector shall so report to the Board of Selectmen, and the Planning Board. The Board of Selectmen shall then notify the Applicant and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the Applicant is in default on a previously approved Plan.

5. Modifications.

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the Planning Board may authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Planning Board shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Code Enforcement Officer and Inspector.

6. Final inspection.

Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the Applicant.

7. Monuments.

Prior to the sale of any lot, or issuance of any building permit, the Applicant shall provide the CEO with a letter from a Registered Land Surveyor, stating that all monumentation shown on the Plan has been installed.

8. Road completion.

Upon completion of road construction, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Selectmen, at the expense of the Applicant, certifying that the street 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.

CHAPTER XI ADMINISTRATION

A. GENERAL PROVISIONS

1. Definitions.

For purposes of this section, the following words shall have the following meanings:

a. "Authority" means the Code Enforcement Officer, the Board of Selectmen when taking any action under this ordinance, the Planning Board or the Board of Appeals.

b. "Board" means the Planning Board or the Board of Appeals.

2. Planning Board.

The Planning Board shall contain seven (7) elected members. A quorum of four (4) members shall be necessary to conduct a meeting. A majority vote of the quorum is required for the passage of any motion before the Board.

3. Records.

Each authority shall maintain permanent files and a permanent written record of its actions on each matter, with those records to be maintained in the Town Office. A Board may maintain tape recordings that are not reduced to a transcript as an official recording.

4. Public Notice.

Each Board shall give public notice of all Board meetings.

a. The requirement for notice of regularly scheduled meetings may be met by an annual notice of the day of the month of such meetings, provided that any changes in that schedule are also published.

b. Notice of an emergency meeting shall be given to the local press and any interested parties in the same manner and at the same time as it is given to board members.

5. Agents.

At any hearing a party may appear by agent or attorney. The Code Enforcement Officer shall attend all appeal, variance and special exception hearings.

6. Burden of proof.

In all instances, the burden of proof shall be upon the Applicant.

7. Open meetings.

All meetings shall be open to the public, unless the Board enters into an executive session as provided by law. The Board may invite selected comments or participation by an Applicant, public officers or officials, or others, but may limit that participation as it deems appropriate for the efficient conduct of its business.

8. Application fee.

The initial application for subdivision review must be accompanied by an application fee. The fee shall not be refundable. This application fee must be paid to the municipality and evidence of payment of the fee must be included with the application. This fee is in addition to any other fees or charges established in this Ordinance.

9. Setting Fees

The fee shall be set, annually, by the Planning Board with a minimum fee, a per lot fee and a maximum total fee. This fee is intended to cover the cost of the municipality's administrative processing of the subdivision through the full review process, including notification, advertising, mailings and similar costs.

B. TIMING AND SEQUENCE

For all subdivision applications, the following time provisions apply:

1. Notice of completeness.

Unless specifically otherwise established, within forty (40) days of the filing of an application, the authority shall notify the Applicant, in writing, either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the authority has determined that a complete application has been filed, it shall notify the Applicant, in writing, and begin its review of the proposed development.

2. Notice to abutters.

The Applicant shall be required to notify, by mail, certified, return receipt requested, all property owners within 500-feet of the subdivision's boundaries that a Plan or application has been filed, and shall give evidence of that notice to the Board. The Board may identify other potentially interested parties to whom

notice must be given. Notification shall be completed within forty (40) days of filing an application.

3. Action deadline.

Unless specifically otherwise established, the appropriate authority shall approve, approve with conditions, or deny all applications in writing within forty (40) days of determining an application is complete.

- a. If a board has a waiting list of applications, a decision on the application shall occur within forty (40) days after the first available date for consideration on the Board's agenda following receipt of the completed application.
- b. If a hearing is scheduled, a decision shall occur within forty (40) days of the public hearing.

4. Written decision.

In issuing a decision, the authority shall make written findings of fact, and written conditions, if applicable.

5. Time Waiver.

An Applicant may waive in writing any time requirement for an authority's action.

C. Public Hearing

An authority may hold a public hearing on any matter.

1. Notice.

Notice of the time, place and date of such hearing shall be sent, not less than fourteen (14) days before the hearing, by the Applicant to owners of property within 500 feet of the properties involved by certified mail return receipt requested. Property owners shall be those listed in the most recent tax records of the Town. Evidence of such mailing must be provided to the Planning Board. Failure to receive this mailed notice by an individual shall not invalidate the public hearing.

2. Public Notice.

The Planning Board shall cause to be published a notice of the hearing in a newspaper of general circulation in the Town at least seven (7) days prior to the public hearing and also to be posted in the Town Office, the Bremen Post Office, and the Bremen Public Library.

D. WAIVERS

In considering a subdivision application, the Planning Board may grant certain limited waivers.

1. Special circumstances.

Where the Board makes written findings of fact that there are special circumstances, it may waive portions of the submission requirements, to permit a more practical and economical application process, provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or this ordinance.

2. Waiver for improvements.

Where the Board makes written findings of fact that, due to special circumstances, the provision of certain required improvements are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed road, it may waive or modify the requirement for such improvements, subject to appropriate conditions.

3. Conditions.

In granting waivers, the Board shall require such conditions as will assure the objectives of this ordinance are met

E. ENFORCEMENT

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

1. Inspections.

The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

2. Violation notice.

If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Code Enforcement Officer, with the approval of the Selectmen may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

- 4. Penalty.**

F. BOARD OF APPEALS

CITY OF BOSTON PUBLIC WORKS DEPARTMENT - File 10019 D-8 de-Derman Subdivision Ordinance (Sh DmB October 6 2011)



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