Price $5.00

TOWN OF WATERBORO

Land Subdivision Regulations of the Planning Board

Amended to January 17, 2012

ARTICLE I AUTHORITY

Under statutory power and authority granted to Planning Boards in accordance with 30 M.R.S.A., Chapter 454, Section 4956, the Waterboro Planning Board, hereinafter called the Board, in an official meeting convened on August 9, 1972, adopted Land Subdivision Regulations of the Planning Board of the Town of Waterboro, Maine.

ARTICLE II ENFORCEMENT

No person, firm, corporation or other legal entity may sell, lease, or convey for consideration, offer or agree to sell, lease or convey for consideration any land in a subdivision which has not been approved by the Planning Board or other reviewing authority of Waterboro and recorded by the Register of Deeds of York County in Alfred. No subdivision plan or plat shall be recorded by the said Register which is not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall install service to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation or other legal entity who sells, leases, or conveys for consideration, offers or agrees to sell, lease or convey for consideration any land in a subdivision which has not been approved as required by this regulation shall be punished by a fine of not more than $1,000. for each such sale, lease or conveyance for consideration, offering or agreement. The Attorney General, the Town or the Board of Selectmen may institute proceedings to enjoin the violation of this regulation.

ARTICLE III PURPOSE AND GUIDELINES

To exert a beneficial influence upon the use of land areas, water and other natural resources of Waterboro in such a manner as to safeguard the health, comfort and privacy of its residents, and to encourage a healthy and orderly development of homes, commercial and industrial establishments and agricultural enterprises for which community services, when required, can be most economically installed and efficiently utilized, thereby presenting the image of a town which has a forward-looking government responsive to expansion, but only consistent with the above ideals and realistic and reasonable concern for the environment.

To this end, when reviewing and approving subdivisions in the Town of Waterboro, Maine, the Board will consider the following criteria and, before granting approval, will determine that the proposed subdivision:

A. Will not result in undue water or air pollution. In making this determination it will at least consider: The elevation of the land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect upon effluents; and the applicable State and local health and water resource regulations.

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

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

D. 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.

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

F. Will provide for adequate solid and sewerage waste disposal.

G. Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste and sewage, if municipal services are to be used.

H. Will not have an undue adverse effect upon the scenic or natural beauty of the area, aesthetics, historical sites or rare and irreplaceable natural areas.

I. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any.

J. The subdivider has adequate financial and technical capacity to meet the Town, County and State regulations and standards.

K. Whenever situated, in whole or in part, within 250 ft. of any pond, lake or river, it will not adversely affect the water quality or undesirably affect the shoreline of such body of water.

L. Will not result in an unreasonable burden upon school facilities.

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

ARTICLE IV DEFINITIONS

A. ***Abutter:*** One whose property is contiguous to the perimeter of the tract developed or proposed for development.

B. ***Comprehensive Plan:*** Any part or element of the overall plan for the development of the Town as defined in Title 30 M.R.S.A., Chapter 239, Section 4961.

C. ***Construction Drawings:*** Drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts or cables, pavement, street cross sections, miscellaneous structures, etc.

D. ***Easement:*** The recorded authorization of a property owner for the use, by another, for a specified purpose, of any designated part of his property.

E. ***Final Subdivision Plan:*** The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be filed for record with the Town Clerk and the County Register of Deeds.

F. ***Groundwater:*** The water beneath the surface of the ground: the source of water in springs and wells.

G ***Legislative Body:*** Town Meeting.

H. ***Municipality:*** Town of Waterboro, Maine.

I. ***Official Map:*** The map adopted by the Town showing the location of public property, ways used in common by more than 2 owners of abutting property, and approved subdivision; and any amendments thereto adopted by the Town, or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

J. ***Official Submittal Date:*** The date of submission of a Reapplication Plan or Sketch Plan, a Preliminary Subdivision Plan or a Final Subdivision Plan shall be the date of the meeting at which it is submitted. Upon receipt of a plan or any application, the municipal reviewing authority shall issue to the applicant a dated receipt. Within thirty (30) days from the receipt of an application, the municipal reviewing authority shall notify the applicant in writing either that the application is a complete application or, if the application is not complete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

K. ***Person:*** Any firm, individual, association, organization, partnership, trust, company or corporation.

L. ***Planning Board:*** The Planning Board of the Town of Waterboro, Maine, created under Title 30, M.R.S.A., Chapter 239, Section 4952; or Chapter 201-A, Section 1917.

M. ***Preliminary Sub-division Plan:*** The preliminary formal drawings of the subdivision to be submitted to the Planning Board for its review and consideration.

N. ***Re-subdivision:*** The subdivision of any lot in a previously approved subdivision, the relocation of any approved boundaries, streets, or drainage ditches, of the use of originally specified community land for other purposes.

O. ***Sketch Plan:*** An informal plat of the proposed subdivision indicating approximate lot boundaries, street location, community wells and sewage disposal areas (if any) and entrances to existing roads.

P. ***Street:*** Includes such ways as alleys, avenues, boulevards, highways, roads, streets and any other pedestrian or vehicular right-of-ways.

Q. ***Subdivision:*** A Subdivision is the division of a tract or parcel of land into three (3) or more lots within any five (5) year period, which period begins after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5 year period. (For complete subdivision definitions see section 4401 in the Planning & Land Use Laws).

R. ***Tract or Parcel:*** A tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the Owner of land on both sides thereof.

ARTICLE V PREAPPLICATION

5.1 PROCEDURE

In order that the Planning Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be used on the topographical map and grading plans for the subdivision, the subdivision shall:

5.1.1 An applicant shall schedule an appointment with the Secretary of the Planning Board or its authorized representative to submit a sketch plan. Sketch Plan applications shall be submitted at least 14 days prior to the applicants' meeting the Board will not take action on the plan at that meeting. The applicant will have to then schedule another appointment.

5.1.2 At the time of the pre-application inspection the subdivider 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. The Board may require proof of ownership or of an option to purchase, or, authorization from the owner to develop the parcel. The Sketch Plan shall be drawn to a scale of not over 200 ft. to the inch showing the proposed layout of the lots, streets, drainage ditches, reserved land for community or public use, ledge outcropping, historical preserves, trees of unusual size or interest, etc., including acreage range of lots, anticipated price range of structures with land complete with well and sewage (if any). The Sketch Plan shall be accompanied by a fee of $250 per lot or a minimum of $1,000.

At the Sketch plan stage it will be determined and mutually agreed upon between the applicant and the board whether the overall plan for the entire lot is a conventional subdivision or a cluster development. All cluster development designs are subject to the performance standards set forth in Section 8 of the Waterboro Zoning Ordinance.

5.1.3 Arrange for a joint inspection of the site with the Board's authorized representative.

ARTICLE VII PRELIMINARY PLAN

6.1 PROCEDURE

NOTE: The Planning Board will not accept a Preliminary Plan for review until the Pre-application procedure has been completed.

6.1.1 Within a time frame set by the Board, the subdivider shall submit his Preliminary Plan for consideration and recommendations. Failure to do so shall require resubmission of the Sketch Plan. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board and agreed to by the developer, at the time of the discussion of the Sketch Plan.

6.1.2 The subdivider or his/her duly authorized representative shall at least 14 days prior to his/her scheduled meeting before the Board, submit a complete Preliminary Plan Application. The subdivider or duly authorized representative shall attend his/her scheduled meeting of the Board to discuss the Preliminary Plan. If the Preliminary Plan Application is not submitted 14 days prior to the applicant's meeting the Board will not take action on the plan at that meeting. The applicant will have to schedule another appointment.

6.1.3 The recorded time of the submission of the Plan shall be as defined in Article IV, "Definitions".

6.1.4 Within sixty (60) days after formal submission of a completed Preliminary Plan Application, the Board shall take action to give preliminary approval, with or without modification required, or the grounds for disapproval shall be stated in the minutes of the Board and conveyed to the applicant in writing. Prior to approval of the Preliminary Plan, the Board may hold a Public Hearing.

6.1.5 When granting preliminary approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan;

2. The character and extent of the required improvements for which waivers may have been requested and which, in it opinion, may be waived without jeopardy to the intent and purposes of this regulation;

3. The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Plan. The decision of the Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan, one retained by the Board, one sent to the Selectmen and one returned to the subdivider.

6.1.6 Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather, it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the preliminary approval, if any.

6.1.7 Within seven (7) days after submitting the Preliminary Plan, the developer shall notify, by certified proof of mailing, all property owners within two hundred (200) feet of the perimeter of the proposed development that they have seven (7) days from the mailing date in which to register, by mail, with the Waterboro Planning Board, their adverse reaction and comment relative to the proposed subdivision. The developer shall, at the same time, send a copy of the notice and list of those notified to the Board.

6.1.8 When professional services are required to evaluate a proposal, design or assessment, the expense of these reviews shall be borne by the subdivider. The cost shall be paid to the Planning Board's consultant prior to Final Plan approval. Amended (6/23/88)

6.2 PRELIMINARY PLAN

6.2.1 The Preliminary Plan shall be submitted in four (4) copies of one or more maps or drawings which may be printed or reproduced on size 24 inch by 36 inch paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than sixty (60) feet, and showing or accompanied by the following information:

1. The proposed subdivision name or identifying title, the name of the town and state, the date, the graphic scale, and the true North arrow displayed in a conspicuous place.

2. Name and address of the record owner, subdivider, soil scientist, designer and/or engineer and land surveyor.

3. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.

4. The names of all subdivisions immediately adjacent and the names of owners of record of other adjacent parcels, not subdivided, including those subdivisions and parcels directly across abutting streets, streams and right-of-ways.

5. The provisions of the Zoning Ordinance applicable to the area to be subdivided and any Zoning district boundaries affecting the proposed subdivision.

6. The location and size of any proposed or existing sewers, water mains, culverts or drains, and existing swampy areas, brooks, perpetual springs of significant size and natural drainage ditches.

7. Locations, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces.

8. The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the subdivider.

9. Contour lines at such intervals as the Board may require. (May be required on a separate transparency)

10. A Log of On-Site Soil Investigations by a Registered Soil Scientist, made in accordance with the requirements of the State Plumbing Code, for two (2)test pits per lot separated by a minimum of 50 feet, the location of which to be clearly delineated on both the Preliminary and Final Plans; also the sewage disposal system recommended for each lot.

11. Deed description of and plan of perimeter survey of tract to be developed, made and certified by a Registered Land Surveyor and tied to established permanent reference points: reference to lot number or numbers as shown on the Town Tax Maps, also book and page in and on which the deed for the tract is recorded.

12. Connection with existing public or private community water supply.

13. Connection with existing public or private community sanitary sewerage system.

14. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

15. Preliminary designs of any bridges and size of which are proposed, showing their location.

16. Proposed lot lines with approximate dimensions, lot numbers or names, approximate lot acreage and suggested location of buildings.

17. Location of temporary bound markers conspicuous enough to enable the Board to readily locate and envision, while in the field, the basic layout.

18. All parcels of land proposed to be dedicated to public or community use and with a statement of the conditions of such dedication.

19. Proposed use of any part of the original tract which is not to be included in the subdivision.

20. The location of all natural features or site elements to be preserved.

21. A soil erosion and sediment control plan containing the endorsement of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission.

22. A statement relative to the schedule of construction.

23. A statement relative the amenities or services and future responsibilities therefore.

24. Provisions for centralized mail delivery. Applicant must contact the State of Maine E911 coordinator and provide to the board evidence that newly created lots will receive a new E911 address from the state.

25. A location map showing the geographical location of the subdivision in the Town.

26. A report prepared by a geologist registered in the State of Maine and qualified, by training and experience, to evaluate the impact which the proposed development, alone or in conjunction with existing activities, will have on the quality of groundwater. The report shall include an analysis of the groundwater impact predicted for the construction which is proposed; of the water supplies serving the development; and of any other aspects of the proposed development which may, either alone or in conjunction with existing activities; adversely affect the quality or quantity of groundwater in the area.

A hydrogeologic impact study prepared by a State of Maine Certified Geologist or a Registered Professional Engineer with experience in hydrogeology shall be provided for all subdivisions utilizing on-site septic disposal systems. This study shall contain, at a minimum, the following components:

A. 1. A high intensity soil survey in accordance with the current standards set by the Maine Association of Professional Soil Scientists. The map shall include documentation of the different drainage classifications. (Amended 3/11/89)

2. Groundwater levels and flow rates through the site and the aquifer, if one is determined to exist, should be determined

a. monitoring wells should be installed, using an acknowledged procedure, to insure proper date collection.

b. the number of monitoring wells could vary, depending upon size and geology, but a minimum of three, laid out in a plan triangle would be needed to provide the necessary data to triangulate the levels and flows.

c. ground water levels shall be surveyed to a common datum on site.

d. groundwater flow rates should be calculated by using groundwater gradients and soil permeability.

e. monitoring wells should remain in place and in a useable condition for continued use into the future. The developer should provide means to insure the protection of these wells. Amended (3/11/89)

3. An analysis of surface drainage conditions and their relationship to off site conditions.

4. Data on existing groundwater quality for the site should be provided. Collection of this data can either be provided by monitoring wells within the proposed subdivision or by existing wells on abutting properties, provided that the data collected from those wells would represent the groundwater on the site to be used for drinking water. Amended (3/11/89)

5. A calculation of average nitrate nitrogen levels on-site after development and calculation of nitrate nitrogen levels at the down gradient property line(s). These calculations should be done under normal rainfall and draught conditions.

6. The sites recommended for the individual subsurface waste water disposal systems and the drinking water wells in the subdivision should be placed on the subdivision plan. Amended (3/11/89)

B. No development shall increase nitrate nitrogen concentrations at the property line of the development in excess of (5mg/1).

On site drinking water wells shall be located in areas where it has been determined that the nitrate nitrogen concentrations are at or below (5mg/1). Added (3/11/89)

C. If groundwater contains contaminants in excess of the primary drinking water standards, and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated and the developer shall make a note on the plan and deed that the situation exists. Amended (3/11/89)

D. Subsurface waste water disposal systems and drinking water wells shall be constructed in the locations shown on the map submitted with the assessment. If construction standards for drinking water wells and subsurface waste water disposal systems are recommended in the assessment those standards shall be included as a note on the final plan, and as restrictions in the deeds for the effected lots. Amended (3/11/89)

E. The developer shall bear all of the cost for the Planning Board's consultant to review the hydrogeologic impact study. The Planning Board's consultant fee shall be paid within thirty (30) days of its transmission to the developer.
This amendment is intended to be retroactive, and shall apply to all hydrogeologic impact studies submitted after March 12, 1988. Amended (6/23/88)

6.2.2 Land covered by proposed subdivision shall be so marked in the field that the Planning Board may readily observe locations of proposed roads and lot corners while making its on-site inspection.

ARTICLE VII FINAL PLAN

7.1 PROCEDURE

7.1.1 The subdivider shall, within ninety (90) days after the approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. (See Appendix IV) If the Final Plan is not submitted to the Board within this time the Board may, without prejudice, refuse to act upon it for an additional ninety days. The subdivider shall at least 14 days prior to his/her scheduled meeting before the Board submit a completed Final Plan. If the Final Plan application is not submitted in 14 days prior to the applicants meeting the Board shall not take action on the plan at that meeting. The applicant will have to schedule another appointment. All Final Plans submitted for approval shall be accompanied by a fee of $.75 per lineal foot of road, plus $.50 per lineal foot of pipe, payable to the Town of Waterboro, Maine.

7.1.2 The time of submission of the Plan shall be as defined in Article III, "Definitions".

7.1.3 The subdivider shall give evidence that the proposed method of water supply meets the requirements of the State of Maine Department of Health and Human Services, Health Engineering, if applicable, the Department of Environmental Protection.

7.1.4 A Public Hearing on the Plan may be held by the Planning Board, if requested or if the Board deems it desirable. Such a hearing will get the normal posting and advertisement.

7.1.5 The subdivider shall comply with the performance and maintenance guarantee requirements set forth in Sections 12.04 – 12.07 of the Zoning Ordinance. (Amended 1/17/2012)

7.1.6 The Planning Board shall, within sixty (60) days of the submission of the Final Plan, or within thirty (30) days after a public hearing, except as stated in 7.1.1, approve, modify and approve or disapprove it. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board and transmitted to the developer in writing.

7.2 SUBMISSIONS

7.2.1 The Final Plan shall be drawn on one 24" x 36" Mylar for recording and shall be submitted along with seven (7) regular copies of it. Space shall be provided thereon for endorsement by all appropriate agencies. It shall show:

1. All of the information presented on the Preliminary Plan and location Map and any amendments thereto suggested, required or agreed to by the Board.
2. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant and soil scientist involved in its conception.
3. Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public or community use.
4. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical, these should be tied to reference points previously established.
5. The length of all straight lines, the deflection angles of all curves, tangent distances and tangent bearings for each street.
6. By proper designation, all public and/or community open space for which offers of cessionaire made by the subdivider and those spaces to which title is reserved by him.
7. Lots and blocks within the subdivision numbered in accordance with local practice.

8. Permanent reference monuments shown thus:
"X". They shall be constructed in accordance with specifications prescribed herein and their location noted and referenced upon the Final Plan.

9. The subdivider shall receive written approval from the E911 coordinator of any proposed road names prior to final plan approval and show the road names on the final plan. The applicant shall mark on the plan, lines or dots in the center of the streets at every fifty (50) foot interval so as to aid in the assignment of numbers to structures subsequently constructed and all other requirements set forth in conformance with the E911 ordinance adopted June 3, 1995.

10. Wherever any residence or other structure is developed, it shall be the duty of the lot owner to procure the assigned number from the E911 coordinator. This shall be done at the time of issuance of the building permit.

7.3 FINAL APPROVAL AND FILING

7.3.1 Upon completion of the requirements in Articles VI and VII, above, a notation to that effect upon the plan and the affixing of the signatures of a majority of the Board members the Final Plan shall be deemed to have final approval. One of the seven submitted prints shall be transmitted to the Board of Selectmen for the Town records and the others retained by the Planning Board. The original inked drawing shall be returned to the subdivider who shall, within sixty (60) days and not having been notified by the Selectmen of any objections, file it in the Registry of Deeds at Alfred.

Failure to file within the specified sixty (60) days from the date of approval shall void the approval unless the subdivider can demonstrate, to the satisfaction of the Board, that the delay was due to causes beyond his control, in which case the Board may grant extension or extensions of time not to exceed, in total, one-hundred-twenty (120) days.

7.3.2 At the time the Planning Board grants Final Plan approval, may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to endure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Selectmen and the Register of Deeds if said section constitutes at least 10 percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for a period of time mutually agreed to by the Selectmen, the Planning Board and the Subdivider.

7.3.3 Final approval of a subdivision will be withheld until all consultant fees have been paid in full as stated in Article VI, Section 26. E and Article VI, Section 6.1.9.

7.4 PLAN REVISIONS AFTER APPROVAL

7.4.1 No changes, erasures, modifications, or revisions shall be made in any Final Plan after Planning Board approval has been endorsed upon the Plan. If a subdivider wishes to alter the approved plan he shall submit a revised plan consisting of the entire subdivision, or, if the plan consists of more than one sheet, that entire sheet on which the alterations is proposed. If any lots have been sold or are under sales contract, written evidence shall be submitted that interested parties have consented to the proposed changes. In either case, the new submission shall show it is a "Revision of the Plan Approved on (date)" and shall provide space for the usual Planning Board approval. The procedure for Final Plan approval, excluding the fee, will then be followed. If a subdivider records a revised Final Plan or any part thereof not so approved, the Board shall declare it null and void and shall institute proceedings to have it stricken from the records at the Registry. Further, if any construction viewed by the Board as deliberate and defeating in the objectives of the original approval is initiated, the Board will institute proceedings to halt all construction and require a complete resubmission including application fee.

7.5 MUNICIPAL ACCEPTANCE OF STREETS AND OTHER LAND AREAS

7.5.1 The approval by the Planning Board of the subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, park, playground, recreation area or other open space area shown on such plan and the Final Plan shall bear a statement to this effect.

7.5.2 Referring to the above mentioned land areas, excluding streets, the Planning Board or the Selectmen may require the filing of a written agreement between the subdivider and the Selectmen covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

ARTICLE VIII 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 of satisfactory performance shall be upon the Subdivider.

8.1 PROVISION FOR PROPOSED PUBLIC SITES AND OPEN SPACES

8.1.1 Depending upon the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent or not less than 10,000 sq. ft. of his total area for recreation. Such area shall be in one parcel and reasonably accessible from all lots within the subdivision.

8.1.2 Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. Any area to be used or active recreation purposes such as a playground or athletic field should be acceptably level and dry, have not outcropping of ledge or boulders, have a total frontage on one or more streets of at least 200 ft., and have no major dimension of less than 200 ft. Areas reserved for passive recreational uses shall have such access as the Board may deem suitable. The area, configuration and orientation of the site may be determined by the Board based upon its natural and scenic aspects and topographical characteristics.

8.1.3 If the proposed subdivision abuts any kind of a water body for 200 feet or more the Board may require that a reasonable area with shore frontage be reserved as Open Space.

8.1.4 The Board may require that the developer provide space for future municipal use, in accordance with a Comprehensive Plan or Policy statement, on a reimbursable basis with five (5) year option after which the space may be sold for other development.

8.2 Non Buildable Land

8.2.1 The Board shall not approve for building sites such portions of any proposed subdivision that:

1. Are commonly recognized as "wet lands", which must be filled or drained, or land created by diverting recognized brooks, streams or rivers.

2. Is obtained by filling or draining any portion of any body of water.

8.2.2 Wherever located, in whole or in part, within one hundred (100) feet of the normal high water line of any brook, stream, river, pond or lake, no dwellings, no part of any sewage disposal system, and no roads except for crossings and property access shall be installed or constructed within one hundred (100) feet of said normal high water line.

8.3 Lots

8.3.1 Minimum lot sizes shall conform to whatever Municipal, County, State or Federal ordinance or statute is applicable, the most restrictive taking precedence.

8.4 Drainage Easements

8.4.1 Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or water course and such further width or construction, or both, 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.

8.5 UTILITIES

8.5.1 The size, type and location of such public utilities as street lights, electric, telephone and gas lines, fire hydrants etc. shall be approved by the Board and installed in accordance with applicable codes and specifications.

8.6 REQUIRED IMPROVEMENTS AND INSPECTION

8.6.1 The following, where applicable, shall be required improvements: monuments, street signs, streets, sidewalks, water supply lines, sewage lines, storm drainage culverts, except where the Board may waive or provisions of these regulations.

8.6.2 At least ten (10) days prior to the start of construction of required improvements the subdivider shall notify the Selectmen in writing of the time when he proposes to commence construction of such improvements so that the Selectmen can cause inspection to be made to ensure that all municipal specifications and requirements will be met during the construction of required improvements, and to ensure the satisfactory completion of improvements required by the Planning Board or other Municipal Officers.

8.6.3 If the municipally authorized inspector shall find, upon inspection of the improvements performed before 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 subdivider, or that conditions imposed by the Planning Board have not been met, he shall so report to the Selectmen, Building Inspector and Planning Board. The Selectmen shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No plan by the subdivider shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

8.6.4 If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Authorized Inspector that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, he may, upon approval of the Planning Board, authorize modifications provided they 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 authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

8.6.5 The applicant subdivider shall be required to maintain all streets, culverts and drainage ditches and provide for snow removal and sanding on streets until acceptance of said improvements by the legislative body.

8.7 FIRE PROTECTION

The Board shall require one of the following forms of fire protection for all developments and the applicant shall provide written verification from the fire chief that their proposal meets his approval.

For every five houses or units the developer shall provide one of the following means of fire protection:

- Sprinkler system installed in each residential unit;
- Provide a 10,000 gallon cistern
- Hook up to town water system and provide a hydrant every 800-1,000 feet;
- Construct a fire pond that will sustain a minimum of 20,000 gallons of water and a hydrant that meets the standards of the Waterboro Fire Department.

8.8 GREEN BELTS

8.8.0 For the purpose of these Regulations, a "greenbelt" is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries.(Amended 7/18/89)

8.8.1 If the proposed subdivision abuts Routes 5 or 202 or 4, and all state-aid roads, a strip of land not less than twenty-five (25) feet and not more than one hundred (100) feet in width adjacent to said highway and running along said highway may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area. (A conservation easement may be conveyed to the Town of Waterboro over said strip.) Said green belt shall be shown on the Preliminary and Final Plans.

8.8.2 If the proposed subdivision abuts a Town road, a strip of land not less than twenty-five (25) feet or greater than fifty (50) feet in width and adjacent to said road and running along said road may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area. (A conservation easement may be conveyed to the Town of Waterboro over said strip.) Said green belt shall be shown on Preliminary and Final Plans.

8.9 ACCESS STREETS

8.9.1 Where a proposed subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is frontage on a street other than the existing or proposed arterial street) with 8.8.2 along the rear property line or such other treatments as may be necessary for adequate protection of the residential properties and to afford separation of through and local traffic.

ARTICLE IX DESIGN STANDARDS

9.1 MONUMENTS

9.1.1 Permanent monuments shall be set at all corners and angle points of the subdivision boundaries and at corners of each lot; also at all street intersections and points of curvature.

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

9.2 STREET SIGNS

9.2.1 Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

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

9.3 STREETS

9.3.1 Layout and Construction

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

9.3.1.2 In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a fifty (50) foot wide easement in the line of the street or in any practical direction to provide for continuation of utilities or access of pedestrian traffic to the next street.

9.3.1.3 Construction of streets, sidewalks, bridges, culverts and surface drainage systems shall conform to applicable standards and specifications.

9.3.1.4 Grades of all streets shall conform, in general to the terrain, and shall not be less than one/half (1/2) of one (1) percent nor more than ten (10) percent in residential areas, but, in no case, more than three (3) percent within fifty (50) feet of any intersection.

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

9.3.1.6 A dead-end street, or cul-de-sac, shall not exceed six hundred (600) feet in length and shall have a turnaround at the closed end in which the radius of the traveled way shall not be less than seventy-five (75) feet.

9.3.1.7 All streets shall be provided with adequate drainage facilities, having year-round effectiveness, that will provide for the removal of storm water thereby preventing flooding of the pavement and surrounding property, and these facilities shall be so constructed as to prevent erosion of the drainage-ways.

9.3.1.8 The reserved right-of-way for all residential streets shall be not less than fifty (50) feet in width, and the paved surface shall be not less than twenty-four (24) feet; the centerlines of the right-of-way and the paved surface shall coincide.

9.3.1.9 Side slopes of filled road beds shall not be steeper than one (1) vertical foot in every three (3) horizontal feet (1 to 3 or 33 and 1/3 percent). They shall be smoothly graded, loamed and seeded by the subdivider with "Soil Conservation Mix" and a viable and effective growth produced which will prevent erosion.

9.4 Cutting and Planting

9.4.1 Cutting and Removal of Natural Vegetation

9.4.1.1 Trees, natural undergrowth, topsoil and gravel or other soil deposits in their natural state at the time of the reapplication Inspection by the Board shall be considered a part of the subdivision and, except for the removal or rearrangement required for building construction, landscaping, parking lots, recreations areas and streets or for the removal of diseased and hazardous trees, shall not be removed except in accordance with specific agreement with the Planning Board.

9.4.1.2 Cutting Restrictions: On slopes of up to ten (10) percent, no restriction; on slopes greater than 10 percent and not exceeding twenty-five (25) percent, and over, measures at a height of twenty-four (24) inches above ground level at the base, is prohibited; and on slopes exceeding 25 percent, no cutting will be permitted. The

Planning Board or its representative may grant such relief from this restriction as it deems reasonable or necessary. This restriction shall be covenanted in each deed and shall be perpetual, (applicable to subdivisions with slopes of over 10%).

9.4.1.3 It shall be the responsibility of the subdivider, in all landscaped areas created by filling or redistribution of available soil, to ensure that the earth is properly compacted, fertilized, seeded and a viable and effective growth produced thereon which will prevent erosion or slippage, or both, for a period of two (2) years after the sale of the property. No side slopes of any areas so obtained shall exceed forty (40) percent (1 foot vertically to 2.5 feet horizontally).

9.5 STORM WATER MANAGEMENT DESIGN STANDARDS

9.5.1 Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

A. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a Registered Professional Engineer.

B. Drainage easements for existing water-courses or proposed drainage ways shall be provided at least thirty feet wide, conforming substantially with the lines of existing natural drainage.

C. All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and the 25-year, 24hour duration, Type III storm frequencies, based on rainfall data for Portland, Maine. When the subdivision discharges directly to major water body as defined in the Town of Waterboro Zoning Ordinance, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized, second modeling by TR-55 or TR-20 shows hydrologic impacts to be minimal, and water quality impacts are minimal. Existing water quality of a waterbody should be investigated to analyze the nitrate and phosphorus content. The plan should then analyze the project to see if nutrient loading will occur. If after review and based on flow rates or potentially poor water quality, detention ponds may be required.

D. The minimum pipe size for any storm drainage pipe shall be four inches. Pipe shall be bedded on 3/4 inch stone, containing stones no larger than two inches. If the fill material is approved by the town, pipe may be bedded in that material and can be covered with a geotextile liner. No clay, loam, silt, mulch, stumpage, brush or other such materials should be used for backfill. Clay or loam cap maybe used by the designing engineer if surface percolation is not desired. Perforated pipes shall be bedded six inches below the invert of the outer diameter of the pipe to a minimum of six inches over the high point of the pipe. Solid pipe shall be bedded six inches under the pipe to the spring line of the pipe. No geotextile is required for solid pipe.

E. The Planning Board may require nutrient removal structures where maintaining water quality in downstream waters is deemed important.

F. Planning Board under advisement of a registered professional engineer or other qualified professional (York County Soil and Water Conservation District) shall have the authority to waive detention requirements where benefits to the public are minimal. This shall be determined on a case-by-case basis only.

9.5.2 The Planning Board may require nutrient removal structures where maintaining water quality in downstream waters is deemed important. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

9.5.3 Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage. Planning Board under advisement of R.P.E. or other qualified professional District/SES shall have the authority to waive detention requirements where benefits.

9.5.4 Catch basins shall be installed where necessary or required, and should be located at the curb line or the invert of a ditch as required.

9.5.5 Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity. Wherever type storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.

9.5.6 The subsurface drainage system maybe incorporated with the storm water drainage system if the system is designed to incorporate both systems.

9.5.7 Maintenance responsibility for detention and nutrient removal structures must be established.

9.6 STORM DRAINAGE CONSTRUCTION STANDARDS

9.6.1 Materials.

A. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTOM 175 for the appropriate diameters.

B. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation C-428 (AASHTOM 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63, or of an approved preformed plastic sleeve type.

C. Corrugated Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and the type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.

D. ABS Pipe. ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

E. Corrugated Plastic Pipe. Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252

F. Manholes. Manholes shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted

foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

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

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

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

9.7 CERTIFICATION OF CONSTRUCTION

9.7.1 Certification of Construction. "As built" plans shall be submitted to the Road Review Committee. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets the design and construction requirements of these regulations and the Street Design and Construction Standards Ordinance for the Town of Waterboro.

ARTICLE X RELEASE OF GUARANTY CHECK OR BOND

Before a subdivider may be released from any obligation required by his guarantee of performance the Board of Selectmen shall require certification from all other concerned Town Boards, Committees and Inspectors to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances and all consultant fees payable pursuant to Article VI Section 6.1.9 and Article VI Section 6.2.1 paragraph 26 (E) have been fully paid.

ARTICLE XI VARIANCES AND WAIVERS

11.1 Where the Planning Board finds that extraordinary hardship will result from strict compliance with these Regulations due to unusual conditions existing in any particular proposed subdivision, it may give justifiable relief by granting variances to Regulations provided, however, such actions will not have the effect of defeating the intent of these Regulations or any Official Map, Comprehensive Plan or Zoning Ordinance which may exist.

11.2 Where the Board determines that, due to certain conditions existent in a proposed subdivision, the provision of certain required improvements is not requisite in the public interest, or is inappropriate because of inadequacy or lack of prerequisite facilities in the proximity of the proposed subdivision, it may waive such requirements, subject to appropriate conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

ARTICLE XII APPEALS

12.1 An appeal from a decision of the Planning Board may be taken to a General Board of Appeals, if such has been established by the Municipality in accordance with Title 30, M.S.R.A., Chapter 213, Section 2411, or taken to the Superior Court.

ARTICLE XIII FEES

All persons developing or utilizing land, water, or structures in a manner which requires Planning Board review under these regulations shall pay fees for the review process to the Town of Waterboro according to the appropriates fee schedule. These fees shall be used to defray the costs of the Planning Board review process.

The fee schedule which is defined under individual articles within these Land Subdivision Regulations is as follows:

$250 per lot within the subdivision with a minimum application fee of $1,000.

At final plan an additional charge of $.75 per lineal foot of road and $.50 per lineal foot of pipe.

All fees received for subdivision review under these regulations shall be used by the Planning Board and Planning Department towards operational funds.

ARTICLE XIV SEPARABILITY AND EFFECTIVE DATE

13.1 The invalidity of any provision of these Regulations shall not invalidate any other part.

13.2 These Regulations shall take effect immediately upon adoption by the Planning Board.