

TOWN OF KENNEBUNK

PLANNING BOARD STANDARDS FOR REVIEWING LAND SUBDIVISIONS

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ARTICLE 1
PURPOSE

- 1.1 The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Kennebunk, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:
- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable State and local health and water resource rules and regulations;
 - B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
 - C. Will not cause an unreasonable burden on an existing Town 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, and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area the Town, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, Section 704 and any rules adopted under that section.
 - F. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on Town services if they are utilized;
 - G. Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste, if Town services are to be utilized;
 - H. 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 of Kennebunk, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
 - I. Is in conformance with the duly adopted subdivision regulation, Comprehensive Plan, and Zoning Ordinance of The Town of Kennebunk;
 - J. Developer has adequate financial and technical capacity to meet the standards of these regulations;
 - K. Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, Subchapter I, Article 2-B, as amended, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;

- L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
- M. If located within a 100-year flood area, will conform to the Town of Kennebunk Floodplain Management Ordinance and shall 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 two (2) feet above the 100-year flood elevation;
- N. Developer has identified on the subdivision plan all freshwater and coastal wetlands within the proposed subdivision;
- O. Developer has identified on the subdivision plan any river, stream, or brook within or abutting the proposed subdivision;
- P. Will provide for adequate storm water management;
- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond or coastal wetland as these features are defined in Title 38, section 480-B, the lots created within the subdivision will not have a lot depth to shore frontage ratio greater than 5 to 1;
- R. Will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;
- S. 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, and,
- T. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, Subsection 14.

ARTICLE 2
AUTHORITY AND ADMINISTRATION

2.1 Authority

- A. These standards have been prepared in accordance with the provisions of Title 30-A, M.R.S.A. Subchapter IV, Section 4401-4407
- B. These standards shall be known and may be cited as "Subdivision Standards of the Planning Board of the Town of Kennebunk, Maine", and will be referred to herein as "Subdivision Standards".

2.2 Administration

- A. The Planning Board of the Town of Kennebunk, Maine, hereinafter called the Board, shall administer these standards. All submissions to the Board shall be made through the office of the Town Planner.
- B. The provisions of these standards shall pertain to all the land and buildings proposed for subdivision, as herein defined, within the boundaries of the Town of Kennebunk, Maine.

2.3 Amendments

- A. These standards may be amended by the Planning Board.
- B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven (7) days prior to the hearing date in a newspaper of general circulation in the Town.

**ARTICLE 3
DEFINITIONS**

- 3.1 In general, words and terms used in these standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:
- A. Abutting Property: For public notice purposes, any lot which is physically contiguous with the lot in question, even if only at a point, and any lot which is located directly across a street or right-of-way.
 - B. Complete Application: For the purpose of these regulations, the Planning Board shall determine that a complete application has been submitted when:
 - A completed submission meeting the standards of Article 5, 6, 7, and 8 of the Kennebunk Subdivision Review Standards, as applicable, has been made; and
 - All additional submissions required by the Planning Board in order to complete a plan review and determine conformance with the performance standards of these regulations and the standards of the zoning ordinance have been made.
 - C. Complete Submission: For the purpose of assigning subdivisions to the Planning Board agendas, the Town Planner shall review each submission for conformance to Section 5.2,6.3,7.2, or 8.3 of the Kennebunk Subdivision Review Standards, as applicable.
 - D. Comprehensive Plan: The latest adopted version of the Town of Kennebunk Comprehensive Plan.
 - E. 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, pavements, cross-section of streets, miscellaneous structures, etc.
 - F. Contiguous Lot: For the purposes of these regulations, a lot shall be considered to be contiguous with another lot if the lot adjoins or is coterminous with another lot at any point or line.
 - G. Driveway: A private entrance from a street or right-of-way to a building or buildings on same or abutting grounds. The driveway itself shall not constitute the means of legal access to a lot.
 - H. Easement: The authorization of a property owner for the use by another, for a specified purpose, of any designated part of his property.
 - I. Engineer: Professional Engineer licensed by the State of Maine.
 - J. 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 recording with the York County Registry of Deeds. **The Final signed plan shall be filed in Registry within Ninety (90) days in order to retain approval status.**
 - K. Normal High Water Mark of Tidal Waters, Nontidal (inland) Waters, and Coastal Wetlands: That boundary between:
 - (1) land with predominantly wetland or aquatic vegetation and land with predominantly

terrestrial vegetation; or

- (2) soil that is predominantly hydric and soil that is predominantly nonhydric.

Where there is both wetland vegetation and hydric soils, the higher boundary shall be used. On tidal waters and coastal wetlands, where vegetation is not present, the boundary shall be estimated as the identifiable debris line left by the highest monthly nonstorm tidal action.

- L. High Intensity Soil Survey: A high-intensity soil survey shall meet the standards for class A or class B Soil Surveys per the Maine Association of Professional Soil Scientists. It shall be performed by a soil scientist registered in the State of Maine. The mapping units shall be the soil series. Single test points and their analyses shall not be considered to constitute high intensity soil surveys.
- M. 100 Year Frequency Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (ie. that has one (1) percent chance of occurring each year). For the purpose of these regulations, land designated as flood hazard areas in the Flood Hazard Boundary Maps of the Federal Insurance Administration, shall be considered to be within the 100 year frequency flood plain until proven otherwise by the applicant.
- N. Legislative Body: Town meeting.
- O. Official Map: The official zoning map and shoreland zoning maps of the Town of Kennebunk, Maine.
- P. Open Space Plan Priority Areas: Those areas identified on the Environmental Priorities Map (Figure 7), the Recreation Priorities Map (Figure 8) and the Town Character Priorities Map (Figure 9) of the Kennebunk Open Space Plan.
- Q. Person: Includes a firm, association, organization, partnership, trust, company, limited liability company or corporation, as well as an individual.
- R. Planning Board: The Planning Board of the Town of Kennebunk created under Title 30, M.R.S.A., Chapter 239, Section 4952 or Chapter 201-A, Section 1917.
- S. Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.
- T. Re-subdivision: The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.
- U. Soil Scientist: A soil scientist, soil engineer or soil geologist registered by the State of Maine.
- V. Street: The word "street" means and includes such public or private ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.
- W. Subdivision: The term subdivision shall mean the division of a tract or parcel of land into three (3) or more lots within a five (5) year period as defined in Title 30-A, M.R.S.A., Section 4401, as amended.
- X. Subdivision, Major: Any subdivision containing more than four (4) lots or dwelling units, or a

development of more than four (4) principal structures on a lot or lots, or any subdivision requiring new street(s) or the extension of public facilities (ie. water/sewer line extensions).

Y. Subdivision, Minor: A subdivision not classified as major subdivision.

Z. Town: Town of Kennebunk, Maine.

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

ARTICLE 4
PLANNING BOARD ADMINISTRATIVE PROCEDURE

4.1 Purpose

The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing applications for subdivision.

4.2 Agenda

- A. The Planning Board shall prepare an agenda for each regularly scheduled meeting and reserves the right to limit the number of agenda items to be heard per meeting.
- B. Applicants shall be placed on an agenda according to the date of receipt in the planning office of a complete submission which meets the requirements of the applicable stage of subdivision review.
- C. Applicants who are not on the agenda and wish to be heard, may be heard only after all agenda items have been completed and only if a majority of the Board so votes.

4.3 Order of Business

The Planning Board shall follow the procedures listed below for each stage of the review process.

A. Sketch Plan Review

- 1) Applicant's presentation of sketch plan.
- 2) Questions and comments from the Planning Board.
- 3) Scheduling an on-site inspection.
- 4) Within thirty (30) days of on-site inspection. The Planning Board shall classify the application as "minor" or "major" and set a contour interval requirement for subsequent submissions. The Planning Board may make design suggestions which the applicant should investigate as part of plan development.

B. Preliminary Plan Review (for "major" subdivision) or Final Plan Review (for "minor" subdivision)

- 1) Applicant's presentation of preliminary plan to Planning Board.
- 2) Planning Board questions.
- 3) Review comments from Town Planner and other technical consultants to the Planning Board.
- 4) Determination by Planning Board of completeness of application/plans.
- 5) If application is incomplete, the Planning Board provides a list of items which need to be addressed and submitted by the applicant to complete application. The applicant must have a completed plan (all required submissions) before any further board action is taken.
- 6) When application is determined complete, the Planning Board schedules a public hearing and the applicant notifies abutters by certified mail at least seven (7) days prior to the hearing, and files certified mail receipts with the Town Planner.
- 7) Within thirty (30) days of the public hearing, the Planning Board shall act on the plan and shall notify the applicant, in writing, of its decision and reasons therefore.

C. Final Plan Review (for “major” subdivision)

- 1) Applicant's presentation to Board.
- 2) Planning Board review and comments.
- 3) Final review comments from Town Planner and other technical consultants to the Planning Board.
- 4) Planning Board determination of completeness of application.
- 5) If complete, Planning Board reviews Final Plan and may schedule a public hearing.
- 6) Within sixty (60) days of complete application (or within thirty (30) days of the public hearing), the Planning Board shall act to approve, approve with conditions or deny the final plan application and shall notify the applicant in writing of its decision and reasons therefore.

ARTICLE 5
SKETCH PLAN REVIEW
(Applies to all subdivision reviews)

5.1 Procedure

- A. Applicant makes complete sketch plan submission to Town Planner in order to be scheduled on an upcoming agenda. When an application is received, the Town Planner shall give a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision, and the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including general description of the project. A copy of the application shall also be forwarded to the Town Conservation Commission.
- B. Applicant makes presentation to Planning Board.
- C. The Sketch Plan meeting is an informal workshop between the Planning Board and the applicant which is intended to provide guidance to the applicant in order to achieve a more acceptable subdivision proposal. The Planning Board may make design or other suggestions to be addressed by the applicant in subsequent submissions.
- D. Planning Board shall schedule an on-site inspection with applicant. The applicant shall have the following areas flagged at the site:
 - 1) Corners of property,
 - 2) Edge of all wetlands (in different color flagging than the property corners),
 - 3) Approximate centerline of proposed street(s), and
 - 4) Approximate lot and/or building locations.
 - 5) Other information as deemed necessary at sketch plan meeting.

In addition, the applicant is responsible for having someone at the site walk who clearly understands the site flagging. It is recommended that the person responsible for setting the flags actually be present at the site walk, especially in the case of wetlands which have been flagged.

- E. Additional Sketch Plan meeting. If the Sketch Plan submitted is significantly different than what the zoning would permit or what exists out at the site, then the Planning Board may require that the applicant submit a revised Sketch Plan which more accurately represents the site conditions and/or zoning standards.

5.2 Submissions

The Sketch Plan submission shall consist of the following:

- A. Completed application form.
- B. Ten (10) copies of a sketch of the proposed parcel to be divided drawn to a sufficient scale to demonstrate concept but not greater than 1"=100' and showing:
 - 1. the approximate location, dimensions and areas of all existing and proposed lots and buildings,
 - 2. the approximate location and widths of existing and proposed streets. (intersections and driveways within 250 feet of proposed subdivision road should also be shown),

3. approximate topography (USGS or greater detail) shown at same scale as site layout,
 4. the location of significant site features such as streams, wetlands, ledge, tree lines, etc.,
 5. the approximate location, dimensions and area of all parcels of land proposed to be set aside as open space, and
 6. perimeter boundaries from deed description and or tax map conforming to legal description, and
 7. a location map showing the proximity of the proposed site to Open Space Priority Areas.
- C. Vicinity map showing streets and existing land uses of the surrounding area.
- D. List of the names and **mailing** addresses of all owners of property abutting the proposed site (listed by tax map number and lot number). Upon receipt of a sketch plan application, the Planning Board shall notify all abutters listed in the submission.
- E. If the plan is for an “open space” subdivision, the submission of ten (10) copies of a subdivision layout that meets the conventional zoning standards is required in addition to the other submission items.
- F. Evidence that a copy of Sketch Plan has been submitted to each of the utility companies which are proposed to serve the project.

5.3 Classification of subdivision and determination of required contour interval.

Within thirty (30) days of the on-site inspection, the Planning Board shall classify the subdivision as either "minor" or "major", and shall set the required contour interval to be shown on future plan submissions. A copy of such classification and contour determination shall be sent to the applicant. For a minor subdivision of single family residential lots, the Planning Board may determine that it is not necessary to show contours on the final plan.

5.4 Rights not vested.

The submission and review of the sketch plan application shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., Section 302.

ARTICLE 6
FINAL PLAN REVIEW (MINOR SUBDIVISION)
This section applies to all minor subdivisions as herein defined

6.1 General

The Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a "minor subdivision" comply with any or all of the submission requirements of a "major subdivision".

6.2 Procedure

- A. Within six (6) months of the on-site inspection by the Board, the applicant of a minor subdivision shall submit to the Town Planner an application for final plan review which meets the standards of Articles 6, 10, and 11. If the applicant cannot submit a complete final plan application within the six (6) month period, the applicant may request an extension in conformance with Article 13 of these regulations. Such a request shall be filed, in writing, to the Board prior to the expiration of the six (6) month deadline. The Board shall act upon the request based on the criteria listed in Article 13.
- B. The submission shall be dated and reviewed for completeness by the Town Planner per Section 6.3. Within thirty (30) days of receipt, the Town Planner shall notify the applicant of any incomplete submissions. Upon determination that a submission conforming to Section 6.3 has been made, the applicant shall be notified and placed on the next available Planning Board agenda. Copies of the completed submission shall be forwarded to the Town's consulting engineer and Town Conservation Commission for review and comment.
- C. The applicant shall attend the meeting of the Planning Board to discuss the final plan. The Planning Board shall list the items (if any) needed to complete the application or shall determine that a complete application has been submitted. The applicant shall complete the application within sixty (60) days of the first final plan meeting or as otherwise specified by the Planning Board.
- D. Upon determining that the complete application has been submitted, the Board shall set a public hearing on the final plan application and shall send notice of the date, time and place of the hearing to the applicant. The applicant shall notify all abutters of the hearing at least seven (7) days prior to the public hearing by certified mail and submit the certified mail receipts to the Town Planner. When a subdivision is located within (500) feet of a town boundary, the Board shall notify the abutting town of the hearing at least (10) days prior to such hearing.
- E. The Board shall hold the public hearing, within thirty (30) days of determination of the complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the Town at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing.
- F. Within thirty (30) days of the public hearing, or within another time limit as may otherwise be mutually agreed to by the Board and the applicant, the Board shall make findings-of-fact on the application, and vote to approve, approve with conditions, or deny the final plan. The Board shall specify in writing its findings and the reasons for any conditions or denial.

6.3 Submissions

The Final Plan submission for a minor subdivision shall consist of the following:

- A. Two (2) copies of the completed application form and fee.
- B. Documentation of right, title and interest in the property.
- C. One original mylar and ten (10) copies of each of the maps or drawings and submissions which make up the complete set of plans, and which are drawn at a scale of not more than one hundred (100) feet to the inch. The size of the plan sheets shall be no larger than twenty four (24) by thirty six (36) inches and shall include space for Planning Board endorsement, as well as the following:
 - 1) Owner's name and address.
 - 2) Names and address of all abutting property owners.
 - 3) Date, true north arrow and graphic scale.
 - 4) Boundaries of all contiguous property under the same ownership.
 - 5) A standard boundary survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor and the plan shall indicate the type of monument to be set or found at each lot corner.
 - 6) A copy of the deed upon which the survey was based and a copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
 - 7) In addition, for multi-family and non-residential subdivisions:
 - a) The location, dimensions and ground floor elevations of all existing and proposed buildings on the site.
 - b) The location of all building setbacks and green buffers required by the zoning ordinance.
 - c) The location and dimensions of driveways, parking, loading areas and walkways, fire lanes, and the construction materials to be used.
 - d) Location of outside storage areas.
 - e) Location and type of exterior lighting.
 - 8) A copy of proposed deed restrictions intended to cover all or part of the lots in the subdivision.
 - 9) A copy of the medium intensity soil survey covering the site. If on-site inspection or test pit logs indicate the likelihood of poorly or very poorly drained soils on the site, the Planning Board may request that a high intensity soil survey be completed for the project site.
 - 10) Indication of the type of sewage disposal to be used in the subdivision:
 - a) When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Sewer District stating the district has the capacity to collect and treat the waste-water shall be provided.
 - b) When sewage disposal is to be accomplished by subsurface waste-water disposal systems, test pit analysis and septic design prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

- 11) A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology, when the subdivision is not served by public sewer and when:
 - a) Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers", by the Maine Geological Survey, 1985, or
 - b) The subdivision has an average density of less than one (1) acre per dwelling unit.

When a hydrogeologic assessment is submitted, the assessment shall contain the same information required by Section 7.2.A.3)u).

- 12) Indication of the type of water supply system(s) to be used in the subdivision.
 - a) When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the district approving the design of the extension shall be submitted.
 - b) When water is to be supplied by private wells, evidence of adequate groundwater supply and quality, shall be submitted from a well driller or a hydrogeologist familiar with the area.
- 13) Contour lines at intervals specified by the Planning Board, showing elevations referenced to N.G.V.D.
- 14) The direction of drainage within and off the site.
- 15) The number of acres within the proposed subdivision, the location of property lines, existing and proposed buildings, water courses, wetlands and vegetative cover, and other physical features. On wooded sites, the plan shall indicate the area where clearing for lawns, open areas, parking areas and buildings shall be permitted. For subdivisions located near (within 500 feet) of any Open Space Plan Priority Areas, the plan shall:
 - Identify the location and the type of Open Space Plan Priority Area,
 - Demonstrate how the priority area(s) have been incorporated into the plan's designated open space;
 - Show the layout of trails and potential connections to future streets, sidewalks, trails, open space areas; and
 - Show open space lot lines and/or easement lines and provide details for maintenance and ownership of such open space, including any provisions for public access to such areas.
- 16) If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan, and shall include plan note per Article 1, Section 1.1M.
- 17) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
- 18) For subdivisions involving forty (40) or more parking spaces or projected to generate more than four hundred (400) vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-

hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets. Trip generation rates used shall be the mean value reported in the 1991 Edition of the Institute of Transportation Engineers - Trip Generation Manual, as amended. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

- 19) Any variances and waivers granted need to be noted on the face of the subdivision plan.
20. A note on the plans shall state “all plans and documents used to approve this subdivision are made a part of and are a condition of plan approval”.

6.4 Final Approval and Filing

- A. The final plan approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board.
- B. After completing a findings-of-fact and determining that all standards in Title 30-A, M.R.S.A., Section 4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings-of-fact and reasons for any conditions or denial. One (1) copy of the signed plan shall be retained by the Board as part of its permanent records. One (1) copy of the signed plan shall be forwarded to the Tax Assessor. The applicant shall file the approved plan at the York County Registry of Deeds and a copy of the plan as recorded and stamped by the Registry shall be brought back and filed with the Town Planner. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications. The Board shall make finding that the revised plan meets the standards of Title 30-A, M.R.S.A., Section 4404, and these regulations. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall record a notice to that effect at the Registry of Deeds.
- D. Failure to substantially complete construction of the required improvements of the subdivision within five (5) years of the date of approval and signing of the plan shall render the plan null and void; unless an alternative phasing schedule was made part of the final plan approval, in which case the time limit shall be five (5) years from the starting date of the last scheduled development phase. The determination of whether substantial completion has taken place shall be made by the Planning Board based upon evidence presented by the applicant and the Town's consulting engineer concerning the status of such improvements. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice recorded in the Registry of Deeds to that effect. This subsection (D) shall apply to only those projects which receive final approval after the effective date of this amendment, April 8, 1996.

ARTICLE 7
PRELIMINARY PLAN REVIEW (MAJOR SUBDIVISION)

7.1 Procedure

- A. Within six (6) months of the on-site inspection by the Board, the applicant of a major subdivision shall submit, to the Town Planner, a complete submission for preliminary plan review which conforms to the applicable review standards as follows:
- 1) Single Family Lot Subdivisions- The preliminary plans shall meet the standards of Articles 7, 10, and 11 of these regulations and, if applicable, the Open Space Subdivision Standards of Article 9, of the Zoning Ordinance,.
 - 2) Mobile Home Park Development- The preliminary plans shall meet the standards of Article 10, Section 13 of the Zoning Ordinance and Articles 7, 10, and 11 of the Subdivision Review Standards, as applicable.
 - 3) Multi-family and Non-Residential Subdivisions- The preliminary plans shall meet the standards of Article 11, Section 6A and 6B and Section 8 of the zoning ordinance, Article 10, Sections 10 and 11 as applicable, as well as the procedural standards of Article 7 of these regulations. The Planning Board shall utilize the procedural sections of the subdivision review standards in carrying out their review of these subdivisions.

If the applicant cannot submit a complete preliminary plan application within the six (6) month period, the applicant may request an extension in conformance with Article 13 of these regulations. Such a request shall be filed, in writing, to the Board prior to the expiration of the six (6) month deadline. The Board shall act upon the request based on the criteria listed in Article 13.

- B. The submission shall be dated and reviewed for completeness by the Town Planner per the applicable submission sections noted above. This shall not constitute a substantive review of the content of the submissions. Within thirty (30) days of receipt, the Town Planner shall notify the applicant of any incomplete submissions. Upon determination that a submission is complete, the applicant, shall be notified and placed on the next available Planning Board agenda. Copies of the complete submission shall be forwarded to the Town's consulting engineer and the Town Conservation Commission for review and comment.
- C. The applicant shall attend the meeting of the Planning Board to discuss the preliminary plan. The Planning Board shall review the submission and make a list of items (if any) needed to complete the preliminary plan application. The applicant shall complete the application within sixty (60) days of the first preliminary plan meeting with the Board or within a longer time limit as may be otherwise agreed to by the Board.
- D. Within thirty (30) days of determination of a complete application, the Board shall hold a public hearing and shall publish notice of the date, time and place of the hearing at least two (2) times in a newspaper of general circulation in the Town. The first notice must appear at least seven (7) days prior to the hearing. The applicant shall notify abutters by certified mail at least seven (7) days before hearing date and shall submit certified mail receipts to the Town Planner. When a subdivision is located within five hundred (500) feet of a town boundary, the Board shall notify the abutting Town of the hearing at least ten (10) days prior to such hearing.
- E. Within thirty (30) days of the public hearing, the Board shall take action to give preliminary approval, with or without conditions or modifications, or disapprove such preliminary plan. The

reasons for any modifications or conditions required by the Board or the grounds for disapproval shall be stated in the record of the Planning Board, and shall be issued in writing to the applicant.

- F. Approval of the 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.

7.2 Submissions

The preliminary plan submission for a major subdivision shall consist of the following:

A. Single Family Lot Subdivisions:

1. Completed application form and fee. (Per Planning Board fee schedule).
2. Location map - The preliminary plan shall be accompanied by a location map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the Town. The location map shall show:
 - a. Existing subdivisions located within one thousand (1000) feet of the proposed subdivision.
 - b. Locations and names of existing and proposed streets.
 - c. Boundaries and designations of zoning districts.
 - d. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
 - e. Proximity of proposed site to Open Space Plan Priority Area(s).
3. Preliminary Plan - The preliminary plan shall be submitted in ten (10) copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred (100) feet to the inch and the size of the plan sheets shall be no larger than twenty-four (24) by thirty-six (36) inches. The Board may allow plans for subdivisions containing more than one hundred (100) acres to be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval:
 - a. Proposed name of the subdivision and the name of the Town in which it is located, plus the Tax Assessor's map and lot numbers. The date the plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
 - b. Documentation of right, title, or interest in the property.
 - c. An actual standard boundary survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments.
 - d. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
 - e. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
 - f. Contour lines at the interval specified by the Planning Board, showing elevations

in relation to N.G.V.D.

- g. The number of acres within the proposed subdivision, location of property lines, existing buildings, water courses, vegetative cover type, and other existing physical features. The location of any trees larger than twelve (12) inches in diameter, measured four (4) feet above ground, shall be shown on the plan.
- h. Indication of the type of water supply system(s) to be used in the subdivision:
 - 1) When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the district approving the design of the extension shall be submitted, (or)
 - 2) When water is to be supplied by private wells, evidence of adequate groundwater supply and quality, including data showing actual well yields in the area, shall be submitted from a well driller or a hydrogeologist familiar with the area.
- i. A storm water drainage and erosion control plan prepared by a professional engineer or landscape architect, licensed in the State of Maine and designed in accordance with the standards of the Soil and Water Conservation Districts Environmental Quality Handbook showing:
 - 1) The existing and proposed method of handling storm water run-off.
 - 2) The direction of flow of the run-off through the use of arrows.
 - 3) The locations, elevations, invert elevations, and sizes of all existing and proposed catch basins, dry wells, drainage ditches, swales, culverts, retention basins, and storm sewers.
 - 4) Engineering calculations used to determine drainage requirements based upon a 25-year, 24-hour storm frequency.
 - 5) Methods of controlling erosion and sedimentation during and after construction, including a written description of these methods and a schedule for implementing both temporary and permanent erosion control measures.
- j. The names and addresses of owners of record of adjacent property, including any property directly across any existing street from the subdivision.
- k. The name and location of the zoning district boundaries.
- l. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- m. The location, names, and present widths of existing and proposed streets, highways, easements, buildings lines, parks and other open spaces on or adjacent to the subdivision.
- n. The width and location of any streets or public improvements within the subdivision, or in the Comprehensive Plan, if any.
- o. The proposed lot lines with approximate dimensions and lot areas.
- p. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- q. The location of the open space and/or recreation areas to be provided, per Section 10.4 of these review standards, and a description of the proposed improvements and the proposed management of such areas which shall:

- Identify any Open Space Plan Priority Areas including priority areas located on adjoining lands;
 - Demonstrate how the priority area(s) have been incorporated into the designated open space;
 - Lay out trails and connections to create internal and/or potential future streets, sidewalks, trails, open space areas; and
 - Show open space lot lines or easement lines and provide details for maintenance and ownership of such open space and include any provisions for public access to such areas, if proposed.
- r. A soils report and high intensity soils survey prepared and signed by a soils scientist, registered in the State of Maine identifying the soils names, soils boundaries and the characteristics of soils in the proposed development.
- s. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
- t. Type of sewage disposal to be used in the subdivision:
- 1) When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted, or
 - 2) When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analysis, prepared by a licensed site evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
- u. A hydrogeologic assessment, by a certified geologist or registered professional engineer, State of Maine experienced in hydrogeology, when the subdivision is not served by public sewer and
- 1) Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers", by the Maine Geological Survey, or
 - 2) The subdivision has an average density of more than one (1) dwelling unit per acre.

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

- A map showing the basic soil types.
- The depth to the water table at representative points throughout the subdivision.
- Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
- 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, at the subdivision boundaries and at a distance of one thousand (1000) feet from potential contamination sources, whichever is a shorter distance. For Subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.

-A map showing the location of any subsurface waste-water disposal systems and drinking water wells within the subdivision and within two hundred (200) feet of the subdivision boundaries.

- v. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
- w. For subdivisions involving forty (40) or more parking spaces or projected to generate more than four hundred (400) vehicle trips per day, a traffic impact analysis, prepared by a professional engineer registered in the State of Maine, with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour columns, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected streets. Trip generation rates used shall be the mean value reported in the 1991 Edition of the Institute of Transportation Engineers - Trip Generation Manual, or as amended. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

B. Mobile Home Park Development: Include items listed in Section 7.2.A. above, as well as the additional submissions listed in Article 10, Part C, Section 13.D (3) of the zoning ordinance.

C. Multi-Family and Non-Residential Subdivisions: Include items listed in Article 11, Section 6A and 6B of the zoning ordinance as applicable, with the following exceptions:

- 1) Applicant should use subdivision application form and fee.
- 2) Ten (10) copies of plans and submissions.
- 3) All references to site plan review shall be changed to Planning Board review.
- 4) Project shall be classified “minor” or “major” based upon the Site Plan classification standards of Article 11, Section 4.A and 4.B. of the Zoning Ordinance.
- 5) Applicant shall provide a location map which shall:
 - Identify any Open Space Plan Priority Areas including priority areas located on adjoining lands;
 - Demonstrate how the priority area(s) have been incorporated into the designated open space;
 - Lay out trails and connections to create internal and/or potential future streets, sidewalks, trails, open space areas; and
 - Show open space lot lines or easement lines and provide details for maintenance and ownership of such open space and include any provisions for public access to such areas, if proposed.

ARTICLE 8
FINAL PLAN REVIEW (MAJOR SUBDIVISION)

8.1 Procedure

- A. Within one (1) year of the preliminary plan approval by the Board, the applicant of a major subdivision shall submit to the Town Planner an application for final plan review which meets the standards of Article 8 of these regulations. If a complete application for final plan is not submitted within one (1) year of preliminary plan approval, the Board may refuse without prejudice to act on the final plan and require resubmission of a preliminary plan application. If the applicant cannot submit a complete final plan application within the one (1) year period, the applicant may request an extension in conformance with Article 13, of these regulations. Such a request shall be filed in writing, to the Board prior to the expiration of the one (1) year deadline. The Board shall act upon the request based on the criteria listed in Article 13. The final plan shall approximate the layout shown on the preliminary plan, plus address any recommendations or preliminary plan conditions made by the Board.
- B. All applications for final plan approval shall be accompanied by an application fee (per the Planning Board Fee Schedule). If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and/or postal notification.
- C. Prior to submittal of the final plan application, all State and Federal approvals shall be obtained in writing, including but not limited to the following where applicable:
 - 1) Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Waste-water Discharge License is needed.
 - 2) Maine Department of Human Services, if the subdivider proposed to provide a central water supply system.
 - 3). Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
 - 4) U.S. Army Corp. of Engineers, if project falls within their jurisdiction.
- D. The submission shall be dated and reviewed for completeness by the Town Planner per Section 8.2 below. Within thirty (30) days of receipt, the Town Planner shall notify the applicant of any incomplete submissions. Upon determination that a submission conforming to Section 8.2 has been made, the applicant shall be notified and placed on the next available Planning Board agenda.
- E. The applicant shall attend the meeting of the Planning Board to discuss the final plan. The Planning Board shall review the submission and make a list of items (if any) needed to complete the final plan application or shall determine that a complete application has been submitted. The applicant shall complete the application within sixty (60) days of the first final plan meeting with the Board or within another time limit as may be otherwise agreed to by the Board.
- F. Upon determining that a complete final plan application has been submitted, the Board shall determine whether to hold a public hearing on the final plan application.
- G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determination of the complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the Town at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing. When a subdivision is

located within five hundred (500) feet of a town boundary, the Board shall notify the abutting municipality of the hearing at least ten (10) days prior to such hearing.

- H. Before the Board completes its finding-of-fact or votes to grant approval of the final plan, the applicant shall submit a performance guarantee in conformance with Article 12 of these regulations.
- I. Within thirty (30) days of the public hearing, or within sixty (60) days of determining that an application is complete, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings-of-fact on the application, and vote to approve, approve with conditions, or deny the final plan. The Board shall specify in writing its findings and the reasons for any conditions or denial.

8.2 Submissions

The final plan application shall include the following information:

- A. Completed application form and fee. (Per Planning Board fee schedule).
- B. Four (4) complete sets of one (1) or more maps or drawings and one (1) original mylar of the filing plan, plus ten (10) copies of any changed plans: all to be drawn at a scale of not more than one hundred (100) feet to the inch. Plans shall be no larger than twenty four (24) by thirty six (36) inches in size and shall have space reserved for Planning Board signatures.
- C. All of the information from the preliminary plan and location map and any changes or additions made by the applicant or required by the Planning Board.
- D. The name, registration number, seal and signature of the land surveyor, architect, engineer and/or consultant who prepared the plans. The Planning Board shall not accept or approve any plans or other documents prepared within the meaning and intent of Title 32, Chapter 121 that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in 32 M.R.S.A. §13907.
- E. The final counts on the total and net acreage of the site and of each proposed lot, as well as the per lot deductions made for each of the following: wetlands, steep slopes, easements and right-of-ways.
- F. A current approval letter from the Sewer District if connection to the public sewer is proposed.
- G. A list of any variances waivers granted by the Planning Board shall be included in a note on the filing plan.
- H. Landscape and buffer plan showing what vegetation will remain and what will be planted, including botanical and common names of plants and trees, dimensions, approximate planting time and maintenance schedule.
- I. The types of all existing and proposed monumentation shall be clearly identified and located.
- J. A performance bond or letter of credit meeting the standards of Section 8.7 of the Street Ordinance to secure completion of all improvements required by the Board, and written approval from the Town Manager that he is satisfied with the sufficiency of such performance guarantee. If a conditional approval (per Section 12.2.4 of these regulations) is being requested, then a list of improvements to be covered by the future guarantee shall be submitted.
- K. Completed Inspection Schedule Application.
- L. Written evidence of all required State and Federal approvals.
- M. Any legal documents which are required to be submitted and reviewed as part of this subdivision review.
- N. Clear notation on the filing plan of the proposed use(s) of all land, buildings, easements and right-of-ways shown on the plan, including the identification of all parking, loading and storage spaces.

- O. The location, names, and present widths of existing and proposed streets, highways, easements, building lines for multi-family and non-residential subdivisions and building windows if required for other subdivisions, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.
- P. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the Town of all public open spaces shown on the plan, and copies of agreements and other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the Town, written evidence that the Board of Selectmen are satisfied with the legal sufficiency of the written offer of cession shall be included.
- Q. A note on the plan shall state "all plans and documents used to approve this subdivision are made part of and are a condition of plan approval.

8.3 Inspection of Required Improvements

- A. At least five (5) days prior to commencing construction of required improvements, the subdivider or builder shall:
 - 1) Notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the Board of Selectmen can cause inspection to be made per the Planning Board Inspection Schedule to assure that all Town specifications and requirements shall be met during the construction of required improvements and utilities required by the Board.
 - 2) Deposit with the Planning Board of a check for the amount of two (2) percent of the estimated costs of the required improvements to pay for the costs of inspections,
- B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans specifications filed by the subdivider, he shall so report in writing to the Board of Selectmen, Planning Board, and the subdivider and contractor. The Board of Selctmen shall take any steps necessary to preserve the Town's rights.
- C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances, such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than one (1) percent, etc., the subdivider shall submit an amended plan and shall obtain permission to modify the plans from the Board.
- D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1, of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.

- E. Upon completion of the required improvements and prior to the sale of any lot, the subdivider shall provide the Board with a letter from a registered land surveyor, stating that all monumentation shown on the plan has been installed.
- F. Upon completion of street construction and prior to a vote by the Board of Selectmen to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Board of Selectmen at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations.
- G. The subdivider or builder shall be required to maintain or make arrangements for the maintenance of all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Town.

8.4 Final Approval and Filing

- A. The final plan approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board.
- B. After completing a findings-of-fact and determining that all standards in Title 30-A, M.R.S.A., Section 4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings-of-fact and reasons for any conditions or denial. One (1) copy of the signed plan shall be retained by the Board as part of its permanent records. One (1) copy of the signed plan shall be forwarded to the Tax Assessor. The applicant shall file the approved plan at the York County Registry of Deeds and a copy of the plan as recorded and stamped by the Registry shall be brought back and filed with the Town Planner. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. At the time the Board grants final plan approval, it may permit the plan to be divided into two (2) or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the plan. If any Town or quasimunicipal entity notified of the proposed subdivision informs the Board that it does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two (2) or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision.
- D. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications. The Board shall make finding that the revised plan meets the standards of Title 30-A, M.R.S.A., Section 4404, and these regulations. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall record a notice to that effect at the Registry of Deeds.
- E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be

dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Board of Selectmen covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area and alternate maintenance plan which shall apply if the Town votes not to accept such dedication.

- F. Failure to substantially complete construction of the required improvements of the subdivision within five (5) years of the date of approval and signing of the plan shall render the plan null and void; unless an alternative phasing schedule was made part of the final plan approval, in which case the time limit shall be five (5) years from the starting date of the last scheduled development phase. The determination of whether substantial completion has taken place shall be made by the Planning Board based upon evidence presented by the applicant and the Town's consulting engineer concerning the status of such improvements. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice recorded in the Registry of Deeds to that effect. This subsection (F) shall apply to only those projects which receive final approval after the effective date of this amendment, November 5, 1990.

ARTICLE 9
ENFORCEMENT

- 9.1 No plan of a subdivision of land within the Town boundaries which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in these standards, nor until such approval shall have been entered on such Final Plan by the Planning Board.
- 9.2 No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- 9.3 Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than one thousand (\$1000) dollars for each such conveyance, offering or agreement. The Attorney General, the Town or Board of Selectmen may institute proceedings to enjoin the violation of this section.
- 9.4 No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.
- 9.5 Not only is making a subdivision without Planning Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted reviewed, approved, and endorsed as provided in these standards, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the York County Registry of Deeds.

ARTICLE 10
GENERAL REQUIREMENTS

10.1 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.

10.2 Subdivision Plan Shall Conform to Comprehensive Plan

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

10.3 Relationship of Subdivision to Community Service

10.3.1 Any proposed subdivision may be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the Town, which shall include, but not limited to:

- Schools, including busing
- Road maintenance and snow removal *upon acceptance as a public way*
- Police and fire protection
- Solid waste disposal
- Recreation facilities
- Run-off water disposal drainage ways
- and/or storm water system enlargement with sediment traps *upon acceptance by Town*

10.3.2 The Board may further require the developer of a Major subdivision to provide accurate cost estimates to the town for the above services, and the expected tax revenue of the subdivision.

10.4 Retention of Proposed Public Sites and Open Spaces

10.4.1 The Board may require the reservation of up to ten percent of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision or to maintain the scenic or natural beauty of the area. In determining the need for open space, the Board shall consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the needs identified in the Comprehensive Plan for open space or recreational facilities in the neighborhood surrounding the subdivision particularly the Environmental, Recreational and/or Town Character Priority Areas identified in the Kennebunk Open Space Plan; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development.

10.4.2 Land reserved for park and/or recreation purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a play-field, should be relatively level and dry, have a total frontage on one or more streets of at least two hundred (200) feet, and have no major dimensions of less than two hundred (200) feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than twenty five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.

10.4.3 Where the proposed subdivision is located on a lake, pond, river or stream (or the sea coast), a portion of the waterfront area, when feasible, shall be included in the reserve land. The land so reserved should be at least two hundred (200) feet wide measured perpendicularly from the normal high-water mark.

10.4.4 The Board may require that the developer provide space for future Town uses, in accordance with The Kennebunk Comprehensive Plan and the Kennebunk Open Space Plan such as:

- Parks and Recreation facilities
- Trails and Connections
- Water Access points
- Neighborhood Pocket parks

10.5 Preservation of Natural and Historic Features

10.5.1 The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (six (6) inches or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

10.6 Land Not Suitable for Development

10.6.1 Land not suitable for development

The following shall not be included in the calculation of lot size:

1. The area located within the full width of the right-of-way of any proposed public or private street or access drive. If a right-of-way is not delineated, an area equal to a minimum 50' R-O-W shall be deducted.
2. Any portion of the site which is cut off from the main portion of the site by an existing road, water body, or similar physical condition which interrupts the continuity of the site.
3. Any land area which is regularly covered by water, including lakes, ponds, rivers, oceans, or intertidal areas.
4. Any land area identified as having soil that is very poorly drained, alluvial, or flood plain according to a soils scientist utilizing accepted scientific methods, and in accordance with the classifications of the National Cooperative Soil Survey.
5. Any area of one or more contiguous acres with sustained slopes of 25% or more.
6. Any land area identified as inland, freshwater or coastal wetland, as defined herein.
7. Any land located within utility easements or rights-of-way, if the restrictions preclude use of the land for development.

10.7 Lots

10.7.1 All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type

of development and use contemplated. Land that is not suitable for construction as delineated in Section 10.6, shall not be included in the calculation of the lot area.

- 10.7.2 Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for the type of use and development contemplated.
- 10.7.3 Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more streets, the Planning Board shall determine proper egress and ingress to maximize safety. Both the plan and deed shall contain restrictions indicating the location for vehicular access.
- 10.7.4 Side-lot lines shall be substantially at right angles or radial to street lines.
- 10.7.5 Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning District in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit or prohibit future re-subdivision in accordance with the requirements contained in these standards .
- 10.7.6 If a lot on one side of a stream, tidal water, road, or other similar barrier fails to meet the minimum required lot size, it may not be combined with a lot on the other side of the stream, tidal water, road, or barrier to meet the minimum lot size of these standards, or for the purposes of on-site disposal.
- 10.7.7 Odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than 5:1.

10.8 Easements for Natural Drainage Ways

- 10.8.1 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 conforming substantially with the lines of such 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.

10.9 Utilities

- 10.9.1 The size, type and location of public utilities, such as street lights, electricity, telephone, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.
- 10.9.2 Utilities shall be installed underground except as otherwise approved by the Board.
- 10.9.3 Utilities shall be installed in a timely manner during street construction so as to prevent re-excavation of the finished street.

10.10 Landscaping

- 10.10.1 In addition to specific landscaping provisions in the Town Zoning Ordinance, street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to

buildings. The type and amount of landscaping required may vary depending on the type of development. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water.

10.10.2 The subdivision design shall minimize the possibility of noise pollution either from within or outside the development from highway or industrial sources by providing and maintaining a green shrubbery buffer strip between abutting properties that are so endangered.

10.10.3 Where landscaping improvements are required, they shall be maintained and replaced within one growing season if they die. They shall be incorporated into the Final Plan and be executed by the developer as construction of the development progresses.

10.11 Required Improvements

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

10.11.2 Monuments

10.11.2.1 Permanent stone or granite monuments shall be set at specified corners and angle points of the subdivision boundaries; and at all street intersections and points of curvature.

10.11.2.2 Monuments shall be stone or granite located in the ground at final grade level, and indicated on the Final Plan. The minimum monument size shall be four (4) inches square at the top, and four (4) feet in length. After they are set, drill holes, one half (1/2) inch deep shall locate the point or points described above.

10.11.2.3 All other subdivision boundary corners and angle points, as well as all lot boundaries and angle points, shall be marked by suitable monuments.

10.11.3 Water Supply A water supply system which supplies both domestic water and water for fire fighting purposes shall be installed at the expense of the developer.

10.11.3.1 Public Water Supply System:

1. When a subdivision is to be served by a public water system, the complete supply system, including fire hydrants, shall be installed at the expense of the developer. The Board shall require connection to the public water system if an existing public water system line with adequate supply is within 750 feet of the subdivision.

2. The developer shall provide a written statement from the Kennebunk, Kennebunkport and Wells Water District that adequate water for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The developer shall be responsible for paying the costs of system improvements necessary to serve the subdivision.

3. The size and location of mains, gate valves, hydrants, and service connections

shall be reviewed and approved in writing by the Kennebunk, Kennebunkport and Wells Water District and the Fire Chief.

10.11.3.2 Private Water Supply:

1. When the location of a subdivision is greater than 750 feet from the public water system, the Board may allow the use of individual wells or a private community water system.
2. Dug (shallow) wells shall be permitted **only** if it is demonstrated to be not feasible to develop other ground water sources, and shall be constructed so as to prevent infiltration of surface water into the well.
3. If a central water supply system is provided by the developer, the location and protection of the source, and the design construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.
4. The developer shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the Town granting access to and maintenance of the dry hydrants where necessary. The Board may waive the requirement for fire ponds only when the developer makes arrangements to provide alternate fire fighting provisions.

10.11.4 Sewage Disposal - A Developer shall submit plans for sewage disposal designed by a Professional Civil Engineer in full compliance with all State and local codes.

10.11.4.1 Public Sewage Disposal System: A public sewer system shall be installed at the expense of the developer when there is a public sewer line capable of servicing the development within 1500 feet of the proposed development at its nearest point. The Sewer District shall certify that providing service to the proposed subdivision is within the capacity of the system's collection and treatment system.

The developer shall request a review by the Sewer District of the design and proposed construction of the sewage system. Approval of the Sewer District in writing is required prior to Planning Board approval.

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

In addition, on lots in which the limiting factor has been identified as being within 12-15 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area., The reserve area shall be shown on the plan and restricted so as not to be built upon. All setbacks and other such requirements normally associated with a septic system shall also be observed for the reserve area.

In no instance shall a disposal area be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

10.11.5 Surface Drainage

- 10.11.5.1 Where a subdivision is traversed by a watercourse, drainage-way, or future storm drain, or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and other property owners, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channelling surface water within such subdivision and over other properties, of such nature, width and location as the Board or Town Engineer deems adequate.
 - 10.11.5.2 The developer shall provide a statement from a civil engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or run-off problems either in the subdivision or in other properties. The developer shall submit a surface drainage plan showing ditching, culverts, easements, and other proposed improvements.
 - 10.11.5.3 Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas, and building excavation, it is not to be removed from the site.
 - 10.11.5.4 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.
- 10.11.6 Impact on Ground Water - When required through the provisions in section 6.3.11 or 7.2.A.3, the developer shall submit a groundwater purity hydrogeologic assessment meeting the following standards so as to prove that there will be no problems relating to groundwater mounding or groundwater contamination.
- 10.11.6.1 Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - 10.11.6.2 No subdivision shall increase any contaminant concentration in the ground water to more than the State of Maine Primary or Secondary Drinking Water Standards. The increase in nitrates at all well heads and property lines shall not exceed the standard set by the Department of Environmental Protection(10 mg./liter).
 - 10.11.6.3 If ground water already 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.
 - 10.11.6.4 If ground water already 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.
 - 10.11.6.5 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 by the hydrogeologist's assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

ARTICLE 11
STREET DESIGN AND CONSTRUCTION STANDARDS

11.1 General Procedures and Requirements

- 11.1.1 The Planning Board shall not approve any subdivision plan unless proposed street(s) are designed to be constructed in accordance with all State and local ordinances as well as the specifications contained in the Kennebunk Street Design and Construction Standards Ordinance. Final subdivision approval by the Planning board of Subdivision Plan shall not be deemed to constitute or be evidence of acceptance by the Town of any street, easement or other open space.
- 11.1.2 Subdividers shall submit to the Planning Board, as part of the preliminary plan and application for subdivision approval the following information:
- 1) Applicant's name, address, phone number, signature and date;
 - 2) Names of the owners of record of the land upon which the proposed street is located;
 - 3) A statement of any legal encumbrances on the land upon which the proposed way is located;
 - 4) The anticipated beginning and ending dates of each major phase of street construction;
 - 5) A plan view, centerline view, and typical cross section view of the proposed street(s).
- 11.1.3 Plans: The plans and illustrations submitted as part of the application shall conform to the requirements of Sections 8.2, 8.3, 8.4, 8.5 & 8.6 of the Street Design and Construction Standards Ordinance. (Attached)
- 11.1.4 The final subdivision plan shall contain a note on the filing plat which specifies the ownership and future maintenance responsibilities regarding proposed streets in the development.

ARTICLE 12
PERFORMANCE GUARANTEE

12.1 Purpose- Performance guarantees shall be provided to ensure the proper installation of required street, utility, storm drainage and other improvements.

12.2 Submission of Performance Guarantee- Prior to plan approval under Section 8.4.1, the applicant shall submit a performance guarantee for an amount adequate to cover the total construction costs of all required improvements. The guarantee shall contain a construction schedule, cost estimates for each phase of construction, provisions for inspections of the construction, provisions for method of release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

The performance guarantee which is submitted for the Board's approval, shall first be reviewed and accepted by the Town Manager. The following types of guarantee are acceptable methods:

- 1) Certified Check payable to the Town or a savings account naming the Town as owner, for the establishment of an escrow account.
- 2) Performance Bond payable to the town issued by a surety company.
- 3) An irrevocable letter of credit from a financial institution which establishes funding for the construction of the required improvements. and from which the Town may draw upon if the construction is not completed in conformance with the approved plan.
- 4) Conditional (one year) plan approval stipulating that there shall be no conveyance of lots or issuance of building permits until a performance guarantee covering the total cost of all required improvements, and conforming to the format of 12.2.1, 2 or 3 above, is submitted to the Planning Board and approved. A note shall be placed on the final plans listing this condition.

12.3 Phasing of Development - The Planning Board may approve plans to develop a major development in separate and distinct phases. This may be accomplished by limiting final approval to those lots, commercial or industrial buildings, abutting that section of the proposed road which is covered by a performance guarantee. When development is phased, road construction shall commence from the public way. Final approval of subsequent phases shall be given only after determining that there has been substantial completion of requirements pertaining to the first and/or previous phase(s) of development.

12.4 Inspection of Required Improvements- No street construction shall be initiated until the required inspection fee has been submitted to the Town to cover the costs of having each construction stage inspected by the Town's inspection agent (engineer) per the Town's inspection schedule.

12.5 Release of Guarantee - Prior to the release of any part of the performance guarantee, the Town Manager shall determine to his satisfaction, in part upon the inspection report of the Town's Engineer, that the site improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. Also upon completion of the required improvements and prior to release of the final 10% of the performance guarantee, the applicant shall file a (1) year defect/maintenance bond in the amount of 10% of the performance guarantee. The defect/maintenance bond shall ensure the workmanship and durability of all materials used in the construction of the required site improvements which may become defective within one (1) year period.

- 12.6 Default- If, upon inspection, the Town's Engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, s/he shall so report in writing to the Code Enforcement Officer, the Board of Selectmen, the Planning Board and the developer or contractor. The Board of Selectmen shall take any steps necessary to preserve the Town's rights.
- 12.7 Assignment or Transfer - No assignment or transfer of rights to construct the project is valid without prior approval, by the Planning Board, of a new performance guarantee to ensure that any assignee or transferee has the financial and technical capacity to complete the project. Should a previously approved performance guarantee become invalid for any reason, the plan approval shall be nullified until such time as a new performance guarantee is approved in the same manner as was originally approved.

ARTICLE 13
VARIANCES AND WAIVERS

- 13.1 Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of , the Comprehensive Plan, the Zoning Ordinance, or these subdivision standards
- 13.2 When a variance is sought with respect to the deadlines imposed by §6.2, §7.1, §8.1 or §12.2 of these standards, the Planning Board shall determine that the following criteria are satisfied and shall specify the length of any extension granted:
- 13.2.1 The need for an extension is beyond the applicant's control because the application has been held up by another review agency. The applicant shall provide the necessary documentation, from the responsible agency, indicating the reason for the delay.
 - 13.2.2 The extension request was made prior to expiration of the deadline sought to be extended.
 - 13.2.3 The applicant has diligently been attempting to eliminate the cause of delay.
- If 13.2.1 is not the reason for delay, the Planning Board shall determine that the criteria of 13.2.4 noted below is met in addition to the criteria of 13.2.2 and 13.2.3 above.
- 13.2.4 Substantive amendments which would prohibit development of the project as proposed, have not been made to the Zoning Ordinance, the Comprehensive Plan, or these subdivision standards, since submission of the preliminary application.
 - 13.2.5 The Board shall not grant more than two (2) six month extensions.
- 13.3 Where the Planning Board finds that, due to special circumstances of a particular Plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
- 13.4 In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives or the requirements so varied or modified.
- 13.5 In all instances, the burden of proof is on the applicant to document and provide justification for waivers/variances requested.
- 13.6 All variances/waivers which are granted shall be noted on the face of the subdivision plan.

ARTICLE 14
REVISIONS TO APPROVED PLANS

14.1 Procedure

An applicant for a revision to a previously approved plan shall, at least three weeks prior to a scheduled meeting of the Board request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be used. If the revision involves only minor modifications of the approved plan such as moving lot lines, street alignment, building window configuration, or other minor alterations which do not result in additional lots or dwellings, the procedures for final plan approval for a minor subdivision shall be followed.

14.2 Submissions

The applicant shall submit a completed application form, the approved plan, and ten (10) copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revision(s) meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate the following:

- that this plan is a revision to a previously approved plan (indicate subdivision name and previous plan approval date)
- date filed in York County Registry of Deeds with Plan Book and Page numbers
- present property owner(s)
- surveyors stamp and signature (if required)
- other information relevant to the proposed revision

14.3 Public Hearing

The Planning Board shall hold a public hearing on the request for a Subdivision Plan Revision and shall require the applicant to provide notice of the public hearing to both the property owners within the subdivision and those abutting the subdivision, all in accordance with the hearing requirements of Article 6 or Article 7, as applicable.

14.4 Scope of Review

The Board's scope of review shall be limited to those portions of the original subdivision plan which are proposed to be changed.

ARTICLE 15
APPEALS

15.1 An appeal from a decision of the Planning Board may be taken to the Superior Court

ADDENDUM
Town of Kennebunk

Section 8 Street Design and Construction Standards Ordinance

- 8.1 TITLE AND AUTHORITY: This ordinance shall be entitled "Kennebunk Street Design and Construction Standards Ordinance" and is enacted pursuant to the provisions of 30-A M.R.S.A. Sections 3001 to 3003.
- 8.2 PURPOSE: The purpose of these provisions is to establish appropriate standards for the design and construction of all streets in the Town, and to establish a procedure for the petitioning of streets to the Town for acceptance as Town Ways.

These street standards are designed to promote the following objectives:

- to promote and conserve the health, safety, convenience, and welfare of the Town's inhabitants,
- to complement and enhance the goals and polices of the Town Comprehensive Plan,
- to provide safe and convenient pedestrian circulation,
- to provide safe and convenient vehicular access and circulation,
- to minimize long term street maintenance and repair costs, and
- to minimize the creation of impervious surface in order to limit the impact of runoff on the Town's water resources.

8.3 DEFINITIONS:

A.D.T: Average daily traffic (per latest edition of the I.T.E. Trip Generation Manual).

Driveway: A private entrance from a street or right-of-way to a building or buildings on abutting grounds. The driveway itself shall not constitute the means of legal access to a lot.

Street: The word "street" means and includes such public or private ways as alleys, avenues, highways, roads, streets and other rights-of-way which are used or intended to be used for passage or travel by motor vehicles. The term street shall not include driveways as defined above.

Town Way: A street which has been accepted by the Town and for which the Town becomes responsible for its maintenance, repair, plowing and other similar Town services.

8.4 PROCEDURES:

8.4.1 General: All streets which are laid out or proposed for Town acceptance shall be in accordance with Maine law and the provisions of this ordinance as follows:

A. Subdivisions: The Planning Board shall not approve any subdivision plan unless proposed street(s) are designed and to be constructed in accordance with the standards of this ordinance. Final subdivision plan approval by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the Town of any street, easement or other open space.

B. Site Plans: The Site Plan Review Board shall not approve any site plan unless proposed street(s) are designed and to be constructed in accordance with the standards of this ordinance. Final site plan

approval by the Site Plan Review Board shall not be deemed to constitute or be evidence of acceptance by the Town of any street, easement or other open space.

- C. Petition to Town Legislative Body for acceptance of a street as a Town Way: All petitions for the acceptance of a street(s) as a Town Way shall be made to the Board of Selectmen, prior to being brought before Town Meeting, and shall be in accordance with Maine law and the provisions of this Ordinance. "Unpaved Local Streets" are not eligible for petitioning or acceptance as Town Ways.

8.4.2 Application Procedure For Street Acceptance:

- A. All petitions for street acceptance shall be accompanied by an application which includes the following information:
- 1) Petitioner's name, address, phone, signature and date,
 - 2) Names of owner(s) of record of the land upon which the proposed Town Way is located, including any proposed easements which are proposed as part of the petition to the Town,
 - 3) A statement of any legal encumbrances on the land upon which the proposed Town Way is located,
 - 4) Legal description of proposed Town Way (and all associated easements) giving complete descriptive data by bearings and distances per a Maine licensed standard boundary survey, along with a copy of such survey, and verification that permanent monumentation has been set at all street intersections and points of curvature.
 - 5) A written certification by a professional engineer, registered in the State of Maine, certifying that the proposed Town Way meets or exceeds the design and construction standards set forth in this ordinance,
 - 6) One mylar and two sets of blue prints of as-built conditions of the proposed Town Way conforming to the plan requirements and standards of Section 8.6. where underground utilities have been installed, the as-built plans shall show the final, installed location of such lines,
 - 7) Date that street construction was completed, including the dates that the base course and surface course of pavement were installed.
- B. Upon receipt of a petition and application for a proposed street acceptance, the Board of Selectmen shall forward one set of plans to the Planning Board, who shall confirm the street's classification per Section 8.5, and one set of plans to the Town's consulting engineer who shall review and provide written comment back to the Selectmen. The engineer's comment shall state either that the street meets the Town's street design and construction standards as specified in Section 8.6, or shall provide a list of the standards which have not been met. The Town engineer's review shall include a field inspection of the proposed Town Way, to determine if there are any performance problems or structural failures which have occurred since the completion of the street construction.
- C. When the Board of Selectmen determines that the proposed street meets or exceeds the design and construction requirements of this ordinance, they shall set and hold a public hearing on the petition. At or following the public hearing, the Board of Selectmen shall vote to place it on the next available Town Meeting Warrant.

8.5 STREET CLASSIFICATION:

The classification of an existing or proposed street shall be made by the Planning Board per 8.4.1.A. or Site Plan Review Board per 8.4.1.B. as applicable, after its consideration of the existing and proposed land use. For an existing street and/or extension of an existing street, the classification shall be based on existing and estimated ADT. For a proposed new street, classification shall be based on estimated ADT. (one single family home = 10 ADT)

- A. Arterial Street: An arterial street shall be defined as a major thoroughfare which serves as a major traffic way through Town and between towns, and whose primary function is traffic movement. Traffic volumes range from 10,000 - 30,000 vehicles per day. The following roadways shall be considered arterials:
 - Maine Turnpike
 - Route One
- B. Collector Street: A street with average daily traffic of over 250 vehicles per day, or a street serving as a feeder to an arterial and as a collector of traffic from minor streets. Streets classified under this category shall be further classified as either "rural" or "growth", based upon the guidelines of the Town's Comprehensive Plan.
- C. Minor Street: A minor street shall be defined as a street which generally serves to carry the least amount of traffic at the lowest speeds. It is also intended to provide a safe environment for residential neighborhoods. No minor street (or street section if it has more than one street connection) shall have an ADT greater than 250. Streets classified under this category shall be further classified as either "rural" or "growth", based upon the guidelines of the Town's Comprehensive Plan.
- D. Local Street: A minor residential street servicing no more than five residential lots/dwelling units. An unpaved local street shall not be eligible for Town services or for acceptance as a Town Way.
- E. Commercial/Industrial Street: A street servicing commercial and/or industrial land uses.

8.6 STREET DESIGN AND CONSTRUCTION STANDARDS: All proposed streets, street extensions, sidewalks and storm drainage systems shall be designed and constructed to meet the design standards of this section and of the relevant Appendix A details, unless otherwise varied per Section 8.8 of this Ordinance.

- 8.6.1 Plans: The plans and details which are submitted as part of an application shall be prepared and stamped by a professional engineer and shall include detailed construction drawings, drawn at a scale of no more than 50 feet to the inch, shall show a plan view, profile and typical cross-section of the proposed street(s), and shall include the following information:
 - a) Date, scale and magnetic or true north arrow,
 - b) Intersections of the proposed street with existing streets,
 - c) All natural waterways and watercourses in or on land contiguous to the proposed street(s),
 - d) Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and/or watercourses,

- e) Complete curve data, including radii and tangent points, shall be indicated for all horizontal and vertical curves,
- f) Turning radii at all intersections,
- g) All centerline gradients
- h) The dimensions of lots, easements and building lines along the proposed street, and showing the names of the owners of such abutting property,
- i) The limits and location of street pavement and street rights-of-way, shoulders, sidewalks and curbs,
- j) The limits and location of existing and proposed sidewalks and curbing, and
- k) The location and size of existing and proposed overhead and underground utilities including the following:
 - 1) water
 - 2) sewer
 - 3) electric
 - 4) telephone, cable
 - 5) street lighting
 - 6) fire suppression system and hydrants
- l) The name(s) of proposed street(s) which names shall not closely duplicate the names of any existing street names in the Town.

8.6.2 Design Standards: All proposed streets shall be designed and constructed to the following standards:

- A. Proposed streets shall conform to the Town's Comprehensive Plan.
- B. All streets shall be designed to provide safe pedestrian and vehicular travel.
- C. The arrangement, character, extent, width, grade, and location of all streets shall be considered in relation to existing or planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the street. Grades of streets shall conform as closely as possible to the original topography.
- D. The Board may require the reservation of a 50 foot wide easement (or a width appropriate to meet the street as classified per Section 8.5) connecting the new street with an external boundary to provide a logical continuation of the street to an abutting site. This future connection will allow for safe and efficient traffic circulation.

All easements proposed under this regulation must be deeded to the Town.

- E. In the event that a residential development is proposed in an area also zoned for commercial use, the Board may require an increased right-of-way (per the standards of commercial streets) to accommodate potential development in the area.
- F. Developments containing over 25 dwelling units or which generate average daily traffic (ADT) of over 250 trips per day, shall have at least two street connections either with existing public streets, or with streets shown on an approved subdivision plan or site plan for which a performance guarantee has been filed and accepted.
- G. The design standards shown on Table A apply according to the street classification of Section 8.5.
- H. The centerline of the roadway shall be the centerline of the right-of-way.

- I. Dead End Streets - Except for streets classified as private rights-of-way, dead end streets shall be constructed so as to provide a cul-de-sac turn-around meeting the minimum requirements of Table A:

Where the cul-de-sac is located in a wooded area prior to development, a stand of trees shall be maintained within the center of the turnaround, unless otherwise waived by the reviewing board.

- J. Grades, Intersections and Sight Distances.

- 1) Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards noted in Table A.
- 2) All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Reviewing Board so that clear visibility is provided for distances specified below.

<u>Street Class.:</u>	<u>Collector</u>	<u>Minor</u>	<u>Local</u>	<u>Comm./Indust.</u>
<u>Stop. Sight Dist.:</u>	200'	150'	150'	250'

Stopping sight distance shall be calculated with a height of eye at 3 1/2 feet and the height of object at 1/2 foot.

- 3) Where new street intersections or commercial/industrial curb cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall conform to the table below. Sight distance shall be measured from an eye point located 15 feet behind the edge of traveled way at an elevation of 3.5 feet above the finished grade surface to a height of object of 4.25 feet above the pavement in the centerline of the travel lane approaching the intersection. Where unavoidable obstructions are encountered at the 15 foot setback, the point of eye may be moved to a point no closer than 10 feet from the traveled way. If the special conditions of the site or of the use so warrant, the Board may require such additional sight distance as will enhance safety.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance (ft)	300	350	400	450	500	550	600

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

- K. Sidewalks and Curbing

Sidewalk and curbing shall be required within and along the public road frontage of all developments located in designated growth areas as specified by the Kennebunk Comprehensive Plan and for all development for which any part is located within 1,000' of any school or any commercial zone. Where sidewalks exist adjacent to a proposed development, the new sidewalk shall be installed in a manner which connects to the existing sidewalk. Where installed, sidewalks and curbing shall meet the following minimum standards:

- 1) Sidewalks shall be located a minimum of four feet from the curb facing or edge of shoulder if the street is not curbed.

- 2) Bituminous sidewalks: The gravel aggregate sub-base course shall not be less than ten inches in thickness. The crushed aggregate base course shall be not less than two inches in thickness. The hot bituminous pavement surface course shall be put down in two lifts and shall be not less than two inches in thickness, after compaction.
- 3) Portland cement concrete sidewalks: The aggregate base shall be not less than six inches in thickness. The Portland cement concrete shall be reinforced with six inch square number ten wire mesh and shall be not less than four inches in thickness.
- 4) Type 1, 5" granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified pavement width shall be measured between the curbs. All curbs shall be vertical except when Type 5 sloped curbs are specifically requested or allowed by the Board. Granite curbing shall be used for traffic islands and intersections. Granite transition pieces shall be used between:
 - Granite inlet headstones and bituminous curb, and
 - Type 1 vertical curb and type 5 granite curb.

8.6.3. Construction Standards:

A. Minimum thickness of materials after compaction:

<u>CONSTRUCTION MATERIALS</u>	<u>MINIMUM REQUIREMENTS</u>				
	<u>Arterial</u>	<u>Collector</u>	<u>Minor/Local</u>	<u>Ind/Comm</u>	<u>Sidewalk</u>
Aggregate Sub-base Course (Max. sized stone = 4")	21"	21"	18"	21"	10"
Crushed Aggregate Base Course	3"	3"	3"	3"	2"
Hot Bituminous Pavement (After Compaction):					
Total Thickness	4"	3"	3"	4"	2"
Surface Course	1 1/2" 2 1/2"	1 1/4" 1 3/4"	1 1/4" 1 3/4"	1 1/2" 2 1/2"	(Placed base course in 2 lifts)

B. Preparation:

- 1) Before any clearing has started on the right-of-way, the center line of the new street shall be staked and sidestaked at 50 foot intervals. Limits of clearing shall be marked by stakes or flagging.
- 2) Before grading is started, the right-of-way area directly dedicated to the construction of the roadway and shoulders, sidewalks and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from this area.

- 3) Tree stumps and other organic materials shall be removed to a depth of 2 feet below the subgrade of the roadway. Rocks and boulders and ledge shall also be removed to a depth of 2 feet below the subgrade of the roadway. On soils which are not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with gravel borrow meeting the State of Maine Department of Transportation's Specifications for Highways and Bridges, currently located in Section 700, Paragraph 703.20.
- 4) Side slopes shall not be steeper than a slope of 3 feet horizontal to 1 foot vertical, and shall be graded, fertilized, seeded and mulched according to the erosion control standards of the Maine Erosion and Sediment Control Handbook for Construction - Best Management Practices, 1991, or latest revisions thereof.

C. Base and pavement material requirements:

- 1) Aggregate Sub-base Course - MDOT 703.06(b) - Type D.
- 2) Crushed Aggregate Base Course - MDOT 703.06(a) - Type A.
- 3) Hot Bituminous Pavement:
 - a) Base Course: MDOT 703.09 - Grading B.
 - b) Surface Course: MDOT 703.09 - Grading C.
 - c) Sidewalks: MDOT 703.09 - Grading D.
- 4) Portland Cement Concrete for Sidewalks (when used) -MDOT 502.05 - Class AA.

8.6.4 Storm Drainage Design Standards:

- A. Adequate provision shall be made for disposal of all storm water collected in streets and areas tributary to the street system. A storm water management plan shall be prepared by a registered professional engineer in accordance with Urban Hydrology for Small Watersheds, T.R. 20 or T.R. 55, 1986 edition, published by the U.S. Soil Conservation Service, or latest revisions thereof.
- 1) All storm water systems shall be designed to meet the criteria of a 25 year storm based on rainfall data from weather bureau records for Portland.
 - 2) Appropriate conveyances for outlets to drainage systems must be provided.
 - 3) In any case, the minimum pipe size for any storm drainage pipe shall be 12 inches. Catch basins of an appropriate size and type shall be installed where necessary, and shall be located generally at the curb line. Catch basins shall be placed away from the line of traffic flow, however, shall be adequate in design and strength to accommodate vehicle traffic. Catch basins shall be specifically constructed to accept a granite inlet headstone.
 - a) Materials:
 - 1) Storm drainage pipes shall be one of the following:
 - aluminized Type 11 culvert,
 - PVC-SDR 35,
 - reinforced concrete,
 - aluminum pipe.

- 2) Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material shall be PVC SDR 35 or concrete.
 - 3) Where storm drainage pipe may come into contact with salt water, concrete pipes shall be used.
- b) Pipe Gauges: Metallic storm drainage pipe shall meet the following thickness requirements depending on pipe diameter:

<u>Material</u>	
<u>Inside Diameter</u>	<u>Aluminum/Zinc Coated CMP Corrugated Aluminum Alloy</u>
15" to 24"	14 ga.
30" to 36"	12 ga.
42" to 54"	10 ga.
60" to 72"	8 ga.

- B. Existing or future downstream drainage requirements shall be studied to determine the effect on proposed drainage. The applicant shall demonstrate to the satisfaction of the Board that the storm drainage will not, in any way, overload existing or future storm drainage systems downstream from the proposed street. The drainage requirement for a two, ten and 25 year storm shall be evaluated to determine drainage system needs.
- C. For both upstream and downstream drainage, in determining the rate and volume of surface run-off, the following factors must be considered:
- 1) intensity of rainfall: 25 year design storm;
 - 2) timing of rainfall (e.g. falling on snow or during the spring snow melt);
 - 3) amount of precipitation occurring in the five days preceding the storm in question;
 - 4) hydrologic soil group (i.e. the soil's rate of water infiltration and transmission. The rates for soils are described in the Best Management Practices Handbook, 1991, or latest revision thereof);
 - 5) hydrologic conditions (soil's moisture content humus/organic content, temperature, and whether or not it is frozen);
 - 6) vegetative cover (vegetation helps soil dry out after a rainfall, intercepts some precipitation during the rainfall, and slows down the flow of water over the land);
 - 7) area of land covered by impervious surfaces (roads, sidewalks, roofs, driveways, patios, etc.);
 - 8) topography (slopes affect the rate of run-off; marshland reduces peak discharge rate by slowing down the rate of run-off);
 - 9) size and shape of watershed (peak discharge rates are slower in long, narrow watersheds, and vice versa).
- D. An underdrainage system shall be designed and installed to properly drain all springs or areas where the ground water level is within one foot of the bottom of road sub-base and would cause a hazard to the stability of the roadway base. Evidence that water level exceeds the one foot standard (test hole data) shall be submitted as part of any application which does not include such an underdrainage system.
- The underdrain shall be a minimum of 6" diameter perforated PVC SDR 35 pipe encapsulated with ¾" crushed stone inside a geotextile fabric. Holes shall be placed down.

E. No storm water shall be permitted to drain across the surface of a street or an intersection.

8.6.5 Storm Drainage Construction Standards:

A. All storm drain construction shall be in conformity with State of Maine Specifications for Highways and Bridges, revision 1990, or latest revisions thereof.

B. General Construction Requirements:

- 1) Trenching shall be accomplished in accordance with all appropriate state and federal safety requirements.
- 2) Drain alignment shall be straight in both horizontal and vertical alignment, unless specific approval of a curvilinear drain is obtained in writing from the Board.
- 3) Manholes shall be provided at all changes in vertical or horizontal alignment, and at all junctions. In straight runs, manholes shall be placed at a maximum of 300 feet intervals. Catch basins shall be connected to manholes on the main storm drain line. The maximum distance between catch basins and manholes shall be 250 feet.
- 4) Where necessary, outlets shall be terminated in an endwall of concrete construction, or shall be rip-rapped to prevent erosion, or other appropriate measures taken. Facilities for energy dissipation shall be provided where necessary.

8.6.6 Additional Improvements and Requirements:

- A. Erosion Control: An erosion control plan shall be prepared by a professional engineer, licensed in the State of Maine, and designed in accordance with the standards of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, March 1991. Procedures shall be undertaken, both during preparatory, construction, and cleanup stages, to prevent soil erosion and water pollution.
- B. Cleanup: Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire road or street right-of-way. Each catch basin or manhole shall be cleaned of all accumulation of silt and debris and kept clean.
- C. Street Name, Street Signs, Street Lights: Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Town, and shall be subject to the approval of the applicable review board. Street name signs and directional signs shall be shown on plans and shall be furnished by the developer. The type, size and location shall be subject to the approval by the Reviewing Board. Street lighting shall be installed as required by the Planning Board or Site Plan Review Board per the applicable plan review and shall be consistent with the Town's street lighting standards.
- D. Utilities, where available, shall be installed prior to the street construction phase so as to avoid re-excavation of the finished street.

8.7 PERFORMANCE GUARANTEE

- A. Purpose - Performance guarantees shall be provided to ensure the proper installation of required street, utility, storm drainage and other improvements.
- B. Submission of Performance Guarantee - Prior to plan approval per the applicable reviewing Board under Section 8.4.1 the applicant shall submit a performance guarantee for an amount adequate to cover the total construction costs of all required improvements. The guarantee shall contain a construction schedule, cost estimates for each phase of construction, provisions for inspections of the construction, provisions for method of release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

The performance guarantee which is submitted for the Board's approval shall first be reviewed and accepted by the Town Manager. The following types of guarantee are acceptable methods:

- 1) Certified Check payable to the Town or a savings account naming the Town as owner, for the establishment of an escrow account.
 - 2) Performance Bond payable to the Town issued by a surety company.
 - 3) An irrevocable letter of credit from a financial institution which establishes funding for the construction of the required improvements, and from which the Town may draw upon if the construction is not completed in conformance with the approved plan.
 - 4) Conditional (one year) plan approval stipulating that there shall be no conveyance of lots or issuance of building permits until a performance guarantee covering the total cost of all required improvements, and conforming to the format of 8.7.B.1, 2, or 3 above, is submitted to the Reviewing Board and approved. A note shall be placed on the final plans listing this condition.
- C. Phasing of Development - The Planning Board or Site Plan Review Board may approve plans to develop a major development in separate and distinct phases. This may be accomplished by limiting final approval to those lots, commercial or industrial buildings, abutting that section of the proposed road which is covered by a performance guarantee. When development is phased, road construction shall commence from the public way. Final approval of subsequent phases shall be given only after determining that there has been substantial completion of requirements pertaining to the first and/or previous phase(s) of development.
 - D. Inspection of Required Improvements - No street construction shall be initiated until the required inspection fee has been submitted to the Town to cover the costs of having each construction stage inspected by the Town's inspection agent (engineer) per the Town's inspection schedule.
 - E. Release of Guarantee - Prior to the release of any part of the performance guarantee, the applicable Reviewing Board shall determine to its satisfaction, in part upon the inspection report of the Town's Engineer, that the site improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
 - F. Default - If, upon inspection, the Town's Engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Municipal Officers, the Reviewing

Board and the developer or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

- G. Assignment or Transfer - No assignment or transfer of rights to construct the project is valid without prior approval, by the applicable Reviewing Board, of a new performance guarantee to ensure that any assignee or transferee has the financial and technical capacity to complete the project. Should a previously approved performance guarantee become invalid for any reason, the plan approval shall be nullified until such time as a new performance guarantee is approved in the same manner as was originally approved.

8.8 VARIANCES AND WAIVERS:

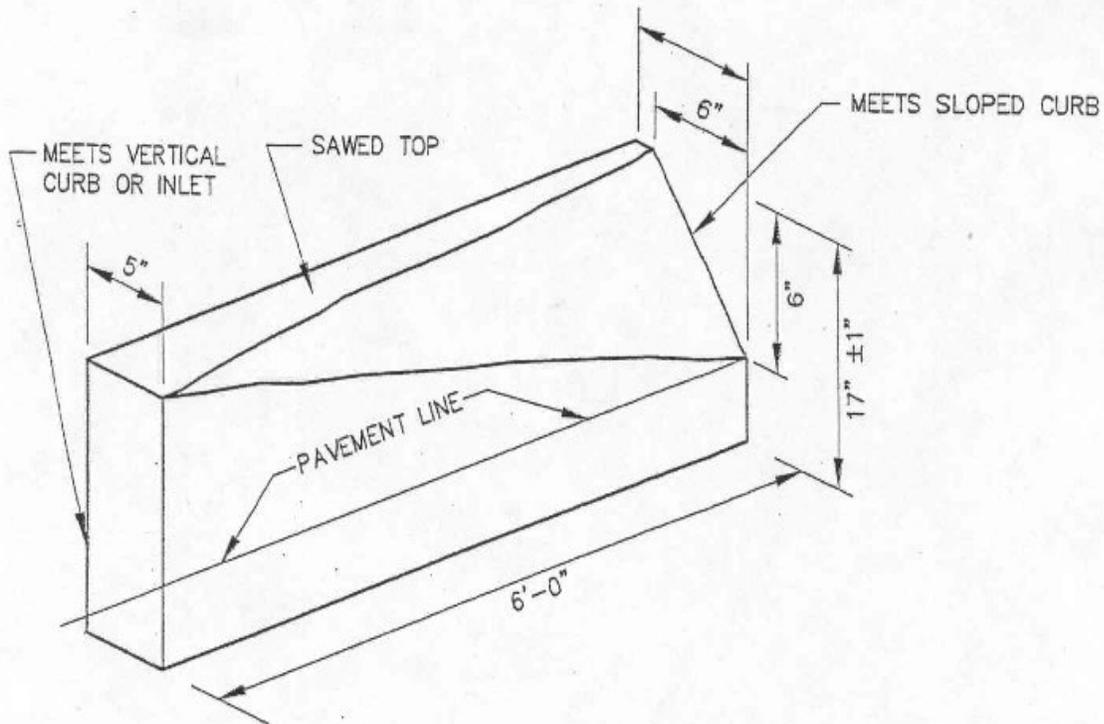
1. The Planning Board or Site Plan Review Board may, as part of their review and approval of a plan, vary/waive certain street design and construction standards in conformance with the variance/waiver provisions of Article 13 of the Subdivision Review Regulations or Article 11, Section 9 of the Zoning Ordinance, as applicable. Such variances/waivers shall not assure eligibility for the petitioning or acceptance of such street as a Town Way.
2. Any variance/waiver of the provisions of this ordinance which is part of a petition for acceptance of street as a Town Way shall be decided by the Board of Selectmen and shall conform to the standards of Section 8.8.2.A and 2.B below.
 - A. Where extraordinary and unnecessary hardships would result, or due to the special circumstances of the site, certain requirements of this ordinance may be varied or waived by the Board of Selectmen based upon the following criteria:
 - 1) The requested variance/waiver shall have been previously reviewed and approved by the Planning Board (if the street is part of a subdivision plan review) or by the Site Plan Review Board (if the street is part of a site plan review). Such approval shall specifically address the impact of the requested variance/waiver upon: the safe functioning of the street, the long term costs of maintaining the street, and the Town's ability to provide public services along the street.
 - 2) The required thickness of pavement shall not be reduced, and
 - 3) A report from the Town's Highway Superintendent and Town's Consulting Engineer concerning the expected performance of the street (per the criteria listed in subsection A.1. above) if the variance/waiver is granted.
 - B. In granting such variances/waivers, the Board of Selectmen shall require such conditions, as will, in its judgement secure the objectives of Section 8.2 of these standards and of the requirement(s) so varied or waived.

8.9 APPEAL: Any person aggrieved by a decision or failure to act of the Board of Selectmen, Planning Board or Site Plan Review Board, pursuant to this ordinance, may appeal to York County Superior Court within 30 days of such decision or refusal to issue a decision.

8.10 SEVERABILITY: The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.

8.11 REPEAL: All provisions of the Street Design and Construction Standards Ordinance, 1977, as amended 1988, and of the street standards of the Planning Board Standards for Reviewing Land Subdivisions, 1977, as amended, and of other prior ordinances of the Town that are inconsistent with this ordinance are hereby repealed.

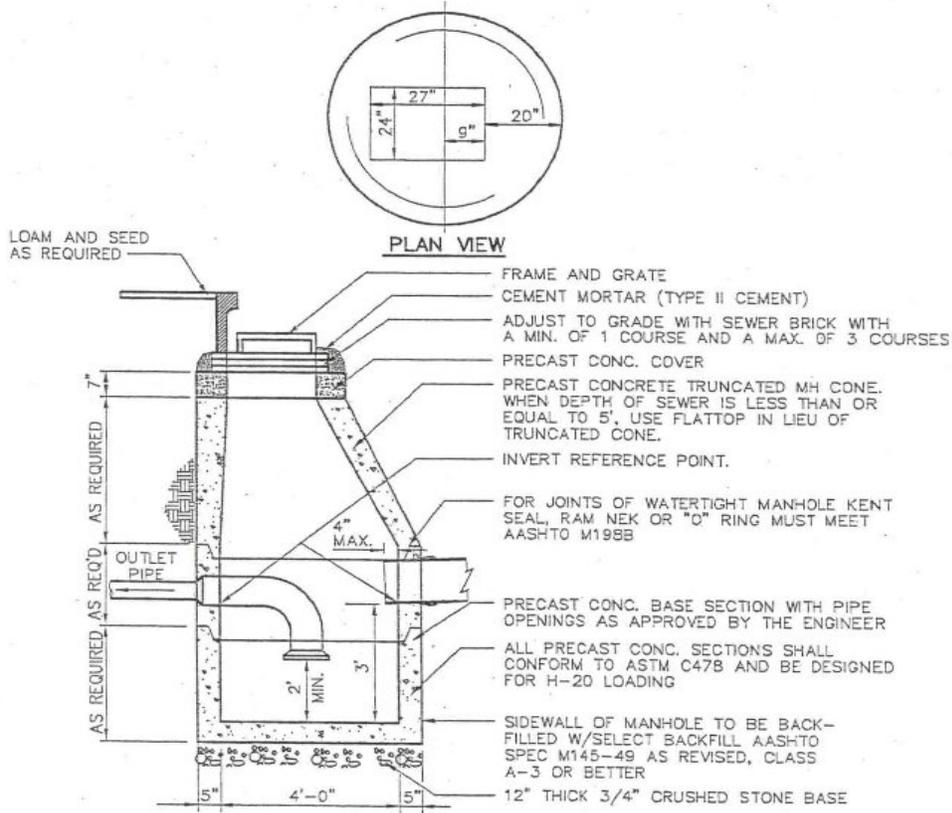
8.12 EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption of the same by a Town Meeting



TRANSITION SECTION – VERTICAL TO SLOPED CURB
VERTICAL TO SLOPED CURB TRANSITION STONES

N.T.S.

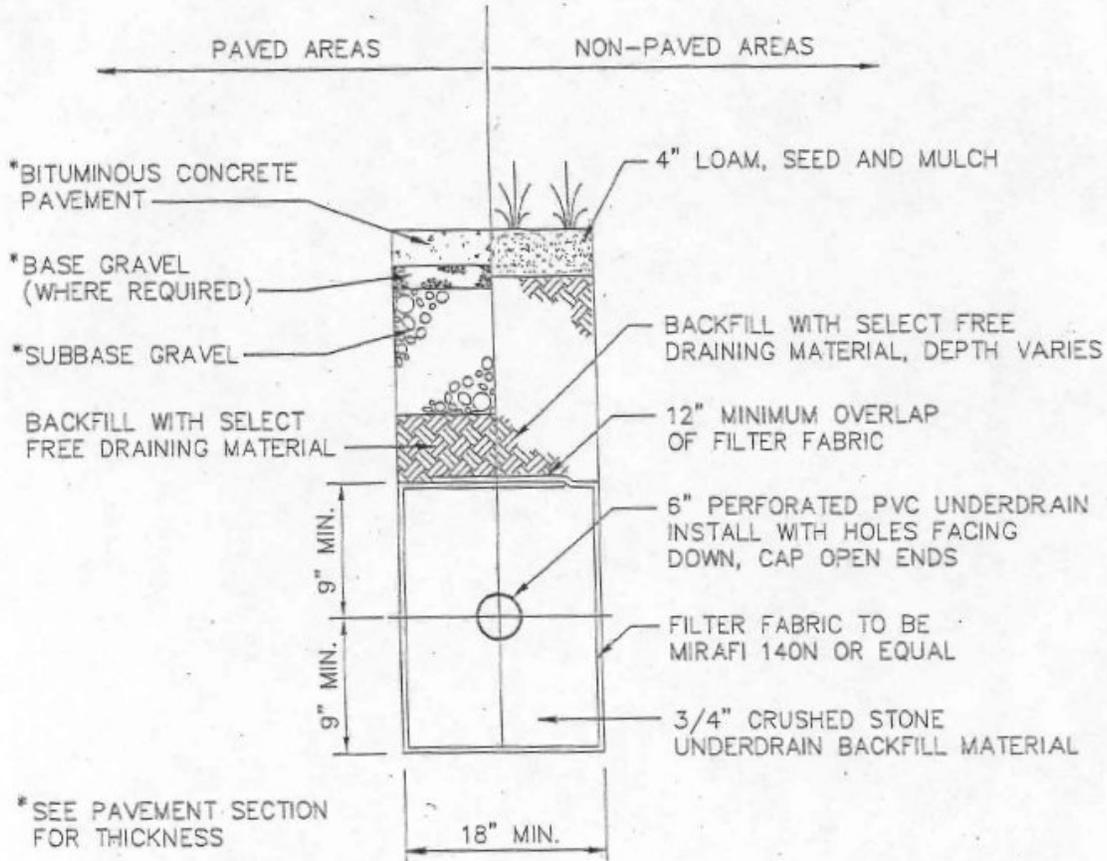
DET887.DWG



**4'-0" PRECAST CATCH BASIN
WITH CURB INLET**

N.T.S.

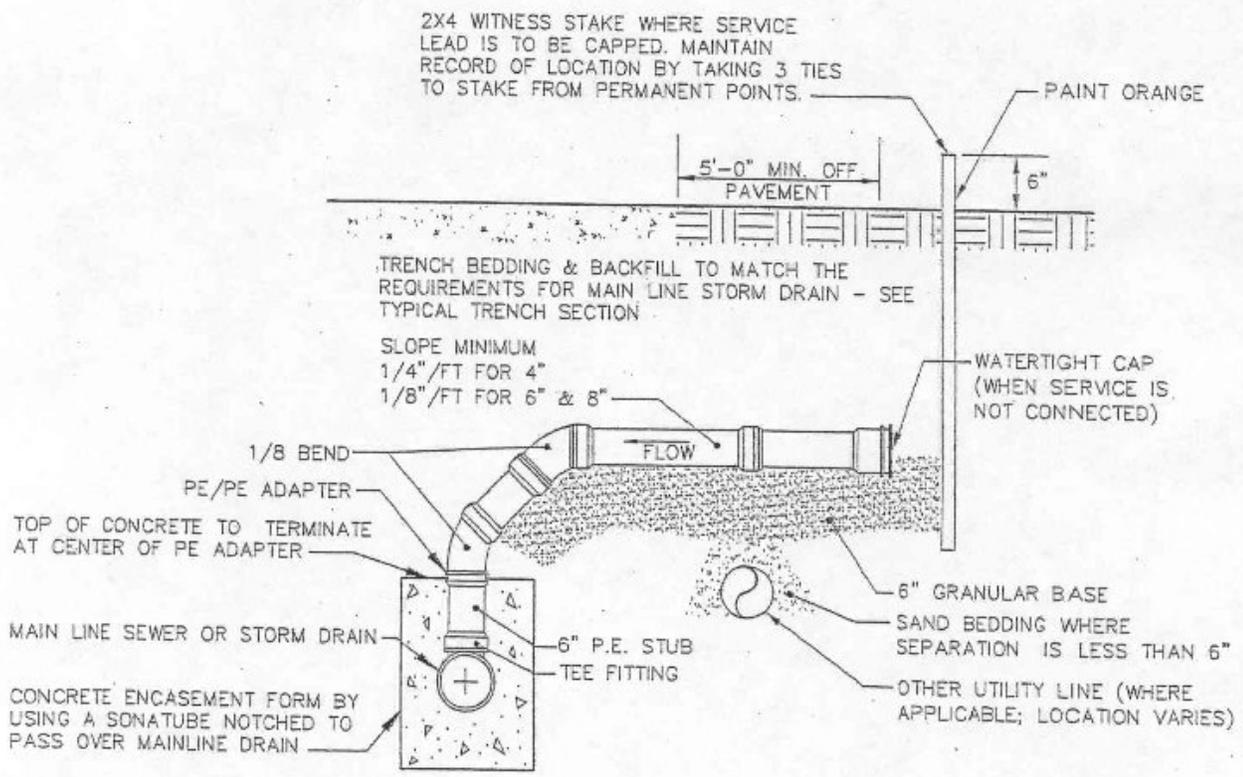
DET507.DWG



TYPICAL UNDERDRAIN TRENCH SECTION

N.T.S.

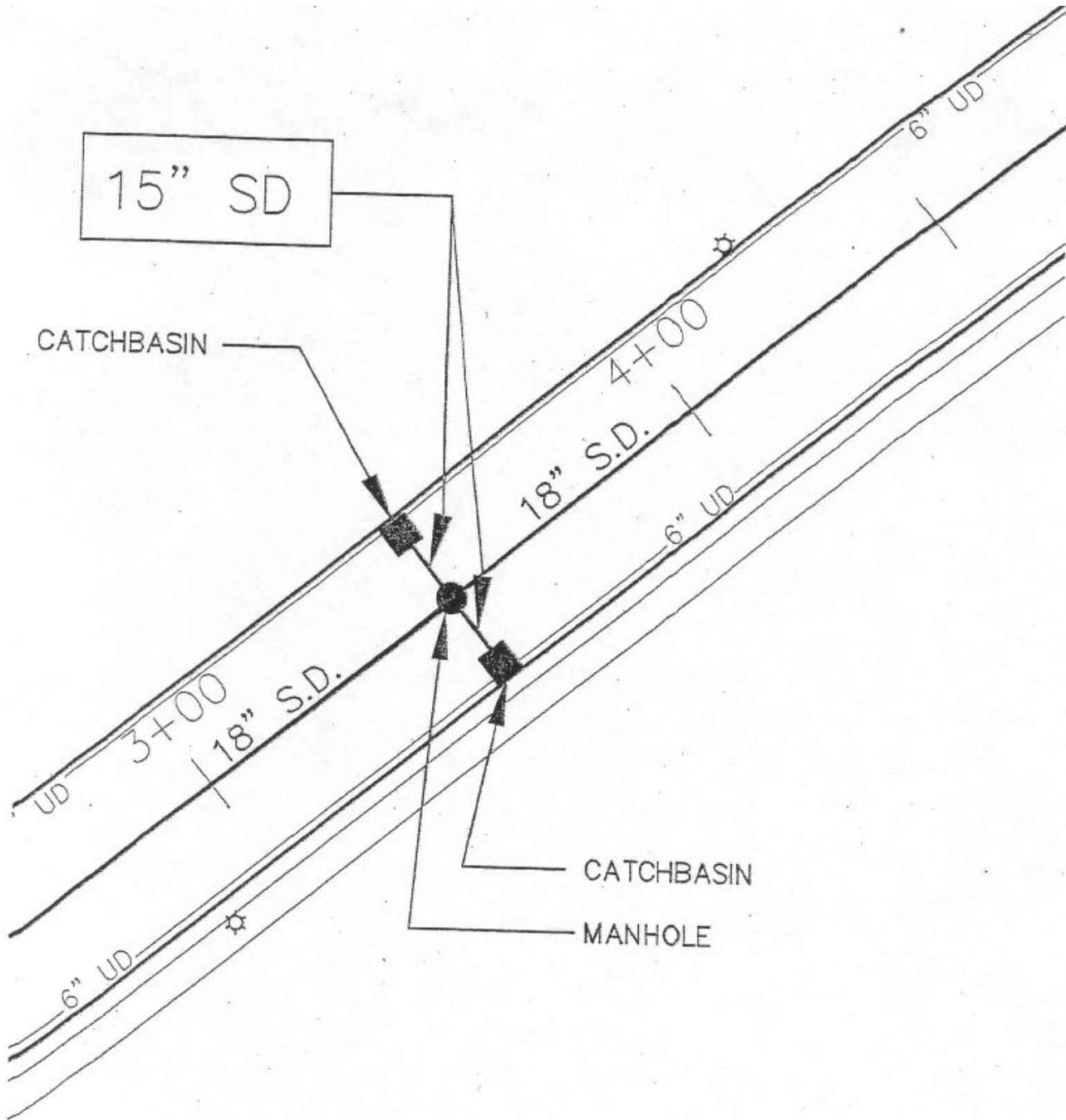
DET543.DWG

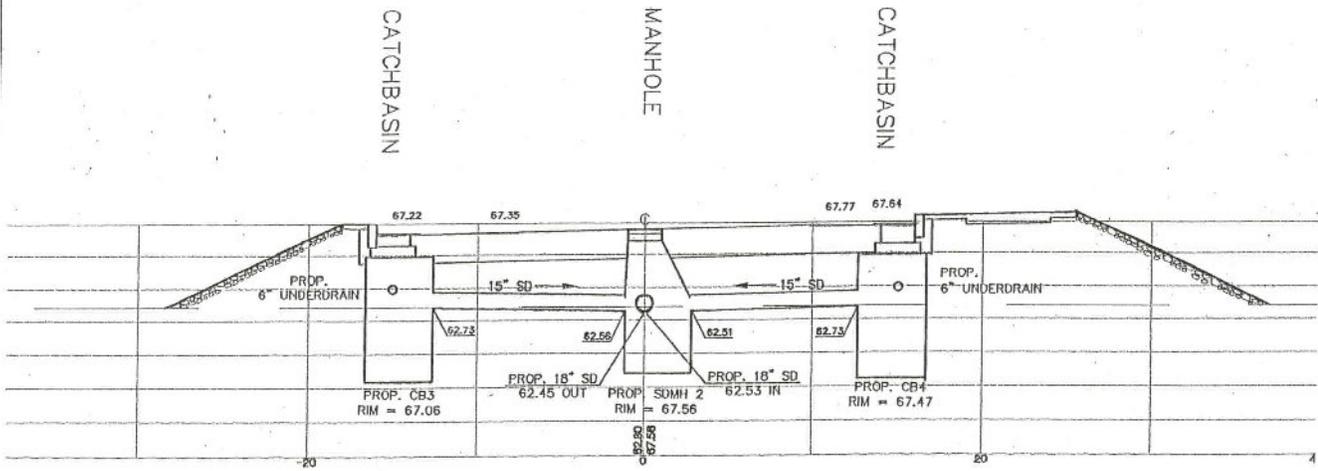


NOTE:
ALL SERVICE LEADS TO BE TYPE 1 OR 2 UNLESS OTHERWISE DIRECTED BY THE ENGINEER IN THE FIELD.

TYPE 3 SERVICE LEAD (WITH CHIMNEY)
N.T.S.

DET417.DWG





A-7

**DESIGN STANDARDS
TABLE A**

Minimum Widths	Collector		Minor		Local		Arterial, Commercial, Industrial
	Rural	Growth	Rural	Growth	Paved	Unpaved	
R.O.W. ¹	50'	50'	50'	50'	50'	50'	60'
Travel Way (pavement width)	22'	24' (28' curbed 1 side) (32' curbed 2 sides)	20'	22' (24' curbed)	18'	18' unpaved	24' (28' curbed 1 side) (32' curbed 2 sides)
Shoulder (each side)	4'	4'	3'	3'	2'	2'	4'
Sidewalk (paved)	5'	5'	5'	5'			5'
Green Strip	4'	4'	4'	4'			4'
Min. Grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Max. Grade ²	6.0%	6.0%	8.0%	8.0%	8.0%	8.0%	6.0%
Minimum Centerline Radius	230'	230'	150'	150'	150'	150'	230'
Min. tangent B/reverse curves	200'	200'	100'	100'	100'	100'	200'
Roadway Crown	1/4" /ft.	1/4" /ft.	1/4" /ft.	1/4" /ft.	1/4" /ft.	1/4" /ft.	1/4" /ft.
Shoulder Slope	1/2" /ft.	1/2" /ft.	1/2" /ft.	1/2" /ft.	1/2" /ft.	1/2" /ft.	1/2" /ft.
Street Intersection:							
Min. Angle ³	90°	90°	90°	90°	90°	90°	90°
Max. Grade w/75'	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Min. Curb Radii ⁴	20'	20'	20'	20'	20'	n/a	25'
Dead-Ends/Cul-de-sac:							
Max. Length	2500'	2500'	2500'	2500'	1500'	n/a	T-Turn Allowed
Turnaround Radii:							
Prop. Line	60'	60'	60'	60'	60'	n/a	
Outer Pavement	50'	50'	50'	50'	50'	n/a	
Inner Pavement	30'	30'	30'	30'	30'	n/a	
Fire Suppression: ⁵	Hydrants shall be located with a spacing of no more than 500 feet						Hydrants every 250'

1. A sixty (60) foot right-of-way shall be provided when six (6) or more feet of cut and fill is otherwise required to meet these standards.

2. Maximum grade may be exceeded by two (2) percent for a length of one hundred (100) feet or less.

3. Upon determination by the reviewing board, some variance is allowed; however, in no case less than seventy five (75°).

4. May be reduced by the reviewing board upon a finding that both vehicular and pedestrian safety will be maintained.

5. Except as may be varied through plan review and approval by the applicable Reviewing Board.