

# Appendix A

## Title 30-A, Chapter II, Subchapter IV

### SUBDIVISIONS

As Effective September 19, 1997

#### 4401 Definitions

As is used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Densely developed area.** "Densely developed area" means any commercial, industrial, or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.

**2. Dwelling unit.** "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

**2-A. Freshwater wetland.** "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas which are:

A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

B. Not considered part of a great pond, coastal wetland, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

**3. Principal structure.** "Principal structure" means any building or structure in which the main use of the premises takes place.

**4. Subdivision.** "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in Title 36, section 1102, for a period of at least 5 years before the 2nd dividing occurs; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal

reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres shall not be counted as a lot, except:

- (1) When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance; or
- (2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance.

D. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority which expands the definition of subdivision to include the division of a structure for commercial or industrial use or which otherwise regulates land use activities.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

**5. New structure or structures.** A new structure or structures includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.

**6. Tract or parcel of land.** A tract or parcel of land means 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.

**7. Outstanding river segments.** In accordance with Title 12, section 402, outstanding river segments means:

- A. The **Aroostook River** from the Canadian Border to the Masardis and T.10, R.6, W.E.L.S. town line, excluding the segment in T.9, R.5, W.E.L.S.;
- B. The **Carrabassett River** from the Kennebec River to the Carrabassett Valley and Mt. Abram Township town line;
- C. The **Crooked River** from its inlet into Sebago Lake to the Waterford and Albany Township town line;
- D. The **Damariscotta River** from the Route 1 bridge in Damariscotta to the dam at Damariscotta Mills;
- E. The **Dennys River** from the Route 1 bridge to the outlet of Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;
- F. The **East Machias River**, including the Maine River, from 1/4 of a mile above the Route 1 bridge to the East Machias and T.18, E.D., B.P.P. town line, from the T.19, E.D., B.P.P. and Wesley town line to the outlet of Crawford Lake, and from the No. 21 Plantation and Alexander town line to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond;
- G. The **Fish River** from the bridge at Fort Kent Mills to the Fort Kent and Wallagrass Plantation town line, from the T.16, R.6, W.E.L.S. and Eagle Lake town line to the Eagle Lake and Winterville Plantation town line, and from the T.14, R.6, W.E.L.S. and Portage Lake town line to the Portage Lake and T.13, R.7, W.E.L.S. town line, excluding Portage Lake;
- H. The **Kennebago River** from its inlet into Cupsuptic Lake to the Rangely and Lower Cupsuptic Township town line;
- I. The **Kennebec River** from Thorns Head Narrows in North Bath to the Edwards Dam in Augusta, excluding Perkins Township, and from the Route 148 bridge in Madison to the Caratunk and The Forks Plantation town line, excluding the western shore in Concord Township, Pleasant Ridge Plantation and Carrying Place Township and excluding Wyman Lake;
- J. The **Machias River** from the Route 1 bridge to the Northfield and T.19, M.D., B.P.P. town line;
- K. The **Mattawamkeag River** from the Penobscot River to the Mattawamkeag and Kingman Township town line, and from the Reed Plantation and Bancroft town line to the East Branch in Haynesville;
- L. The **Narraguagus River** from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township town lines, excluding Beddington Lake;
- M. The **Penobscot River**, including the Eastern Channel, from Sandy Point in Stockton Springs to the Veazie Dam and its tributary the **East Branch of the Penobscot** from the Penobscot River to the East Millinocket and Grindstone Township town line;
- N. The **Piscataquis River** from the Penobscot River to the Monson and Blanchard Plantation town line;
- O. The **Pleasant River** from the bridge in Addison to the Columbia and T.18, M.D., B.P.P. town line, and from the T.24, M.D., B.P.P. and Beddington town line to the outlet of the Pleasant River Lake;
- P. The **Rapid River** from the Magalloway Plantation and Upton town line to the outlet of Pond in the River;
- Q. The **Saco River** from the Little Ossipee River to the New Hampshire border;
- R. The **St. Croix River** from the Route 1 bridge in Calais to the Calais and Baring Plantation town line, from the Baring Plantation and Baileyville town line to the Baileyville and Fowler Township town line, and from the Lambert Lake Township and Vanceboro town line to the outlet of Spednik Lake, excluding Woodland Lake and Grand Falls Flowage;
- S. The **St. George River** from the Route 1 bridge in Thomaston to the outlet of Lake St. George in Liberty, excluding White Oak Pond, Seven Tree Pond, Round Pond, Sennebec Pond, Trues Pond, Stevens Pond and Little Pond;
- T. The **St. John River** from the Van Buren and Hamlin Plantation town line to the Fort Kent and St. John Plantation town line, and from the St. John Plantation and St. Francis town line to the Allagash and St. Francis town line;
- U. The **Sandy River** from the Kennebec River to the Madrid and Township E town line;
- V. The **Sheepscot River** from the railroad bridge in Wiscasset to the Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributary the **West Branch of the Sheepscot** from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China;
- W. The **West Branch of the Pleasant River** from the East Branch in Brownville to the Brownville and Williamsburg Township town line; and

X. The **West Branch of the Union River** from the Route 181 bridge in Mariaville to the outlet of Great Pond in the Town of Great Pond.

#### ▣4402. Exceptions

This subchapter does not apply to:

- 1. Previously approved subdivisions.** Proposed subdivisions approved by the planning board or the municipal officials before September 23, 1971 in accordance with the laws then in effect;
- 2. Previously existing subdivisions.** Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law;
- 3. Previously recorded subdivisions.** A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971; or
- 4. Airports with an approved airport layout plan.** Any airport with an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and the Federal Aviation Administration.

#### ▣4403. Municipal review and regulation

This section governs municipal review of proposed subdivisions.

**1. Municipal reviewing authority.** The municipal reviewing authority shall review all requests for subdivision approval. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

**1–A. Joint meetings.** If any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application must be held jointly by the reviewing authorities from each municipality. All meeting and hearings to review an application under section 4407 for a revision or amendment to a subdivision that crosses municipal boundaries must be held jointly by the reviewing authorities from each municipality. In addition to other review criteria, the reviewing authorities shall consider and make a finding of fact regarding the criteria described in section 4404, subsection 19.

The reviewing authorities in each municipality, upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing.

**2. Regulations; review procedure.** The municipal reviewing authority may, after a public hearing, adopt, amend or repeal additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of this hearing.

A. The regulations may provide for a multi-stage application or review procedure consisting of no more than 3 stages:

- (1) Preapplication sketch plan;
- (2) Preliminary plan; and
- (3) Final plan.

Each stage shall meet the time requirements of subsections 4 and 5.

**3. Application; notice; completed application.** This subsection governs the procedure to be followed after receiving an application for a proposed subdivision.

A. When an application is received, the municipal reviewing authority 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 a general description of the project.

B. Within 30 days after receiving an application, the municipal reviewing authority shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.

C. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

D. The municipal reviewing authority may not accept or approve final plans or final 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 title 32, section 13907.

**4. Public hearing; notice.** If the municipal reviewing authority decides to hold a public hearing on an application for subdivision approval, it shall hold the hearing within 30 days after determining it has received a complete application. The municipal reviewing authority shall have notice of the date, time and place of the hearing:

A. Given to the applicant; and

B. Published, at least 2 times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be least 7 days before the hearing.

**5. Decision; time limits.** The municipal reviewing authority shall, within 30 days of a public hearing or, if no hearing is held within 60 days of determining it has received a complete application or within any other time limit that is otherwise mutually agreed to, issue an order:

A. Denying approval of the proposed subdivision;

B. Granting approval of the proposed subdivision; or

C. Granting approval upon any terms and conditions that it considers advisable to:

(1) Satisfy the criteria listed in section 4404;

(2) Satisfy any other regulations adopted by the reviewing authority; and

(3) Protect and preserve the public's health, safety and general welfare.

**6. Burden of proof; findings of fact.** In all instances, the burden of proof is upon the person proposing the subdivision. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the criteria described in subsection 5.

**7. Conditioned on variance.** If the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance, the subdivider must comply with section 4406, subsection 1, paragraph B.

#### □4404. Review criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:

**1. Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

A. The elevation of land above sea level and its relation to the flood plains;

- B. The nature of soils and subsoils and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

**2. Sufficient water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

**3. Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

**4. Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

**5. Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

**6. Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

**7. Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste , if municipal services are to be utilized;

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

**9. Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

**10. Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section;

**11. Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B (Sections 435 through 449), the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high–water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B (Sections 435 through 449), or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;

**12. Ground water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

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

**14. Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

**15. River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, Oriver, stream or brookÓ has the same meaning as in Title 38, section 480-B, subsection 9;

**16. Storm water.** The proposed subdivision will provide for adequate storm water management;

**17. Spaghetti–lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

**18. Lake phosphorus concentration.** The long–term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision; and

**19. Impact on adjoining municipality.** 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.

#### □4405. Access to direct sunlight

The municipal reviewing authority may, to protect and ensure access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and set-back requirements or other permissible forms of land use controls.

#### □4406. Enforcement; prohibited activities

The Attorney General, the municipality or the planning board of any municipality may institute proceedings to enjoin a violation of this subchapter.

**1. Sales or other conveyances.** No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and approved under Title 38, chapter 3, subchapter I, article 6 (Sections 481 through 490), where applicable, and subsequently recorded in the proper registry of deeds.

A. No register of deeds may record any subdivision plat or plan that has not been approved under this subchapter. Approval for the purpose of recording must appear in writing on the plat or plan.

All subdivision plats and plans required by this subchapter must contain the name and address of the person under whose responsibility the subdivision plat or plan was prepared.

B. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any applicable subdivision approval standard, that fact must be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds.

(1) In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded in the registry of deeds. This certificate must:

- (a) Indicate the name of the current property owner;
- (b) Identify the property by reference to the last recorded deed in its chain of title; and
- (c) Indicate the fact that a variance, including any conditions on the variance, has been granted and the date of the granting.

(2) The variance is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or approval under Title 38, chapter 3, subchapter I, article 6 (Sections 481 through 490), where applicable, whichever date is later, or the variance is void.

B-1. Whenever the subdivision is exempt from Title 38, chapter 3 subchapter I, article 6 (Sections 481 through 490), because of the operation of Title 38, section 488, subsection 5, that fact must be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds. The developable land, as defined in Title 38, section 488, subsection 5, must be indicated on the plan. The person submitting the plan for recording shall prepare a sworn certificate in recordable form and record it in the registry of deeds. This certificate must:

- (1) Indicate the name of the current property owner;
- (2) Identify the property by reference to the last recorded deed in its chain of title and by reference to the subdivision plan;
- (3) Indicate that an exemption from Title 38, chapter 3, subchapter I, article 6 (Sections 481 through 490), has been exercised;
- (4) Indicate that the requirements of Title 38, section 488, subsection 5, have been and will be satisfied; and
- (5) Indicate the date of notification of the Department of Environmental Protection under Title 38, section 488, subsection 5.

The exemption is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval under this subchapter or the exemption is void.

C. A building inspector may not issue any permit for a building or use within a land subdivision unless the subdivision has been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6 (Sections 481 through 490), where applicable.

D. Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6 (Sections 481 through 490), where applicable, shall be penalized in accordance with section 4452.

E. Any person who after receiving approval from the municipal reviewing authority or approval under Title 38, chapter 3, subchapter I, article 6, and recording the plan at the registry of deeds, constructs or develops the subdivision, or transfers any lot in a manner other than depicted on the



approved plans or amendments or in violation of any condition imposed by the municipal reviewing authority or the Department of Environmental Protection, when applicable, must be penalized in accordance with section 4452.

F. Any person who sells, leases or conveys for consideration any land or dwelling unit in a subdivision approved under this subchapter and exempt from Title 38, chapter 3, subchapter I, article 6 (Sections 481 through 490), because of the operation of Title 38, section 488, subsection 5, shall include in the instrument of sale, lease or conveyance a covenant to the transferee that all of the requirements of Title 38, section 488 subsection 5, have been and will be satisfied.

**2. Permanent marker required.** No person may sell or convey any land in an approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" includes, but is not limited to, the following:

- A. A granite monument;
- B. A concrete monument;
- C. An iron pin; or
- D. A drill hole in ledge.

**3. Utility installation.** No public utility, water district, sanitary district or any utility company of any kind may install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

**4. Permit Display.** A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on site while work authorized by the permit is being conducted.

#### **4407. Revisions to existing plat or plan**

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

**1. Recording.** If a subdivision plat or plan is presented for recording to a register of deeds and that plat or plan is a revision or amendment to an existing plat or plan, the register shall:

- A. Indicate on the index for the original plat or plan that it has been superseded by another plat or plan;
- B. Reference the book and page or cabinet and sheet on which the new plat or plan is recorded; and
- C. Ensure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan.

## Appendix B

### SAMPLE LETTER OF CREDIT

Jane Planner, Chairman  
Parsonsfield Planning Board  
PO Box 30  
Parsonsfield, ME 04047

Re: *Letter of Credit for:*  
Developer, Inc.  
Sunshine Estates  
Parsonsfield, Maine

Dear Ms. Planner:

This letter will confirm to Parsonsfield that the Big Town Savings Bank has issued a loan commitment to Developer, Inc. for the purpose of constructing all required improvements in the Sunshine Estates subdivision.

Big Town Savings Bank will set aside \$111,200 in a Construction Escrow Account for completion of the required improvements. This account can be drawn upon by Parsonsfield in the event that

Developer, Inc. fails to complete steps A through H listed below for Windy Road on or before [approximately two years from date of Final Plan approval].

Approximate Length of road 2,350 feet:

A. Grub roadways full width of 50 feet @ \$4/ft.	\$9,400
B. Shape sub-base and grade it @ \$4/ft.	9,400
C. Install under-drain culverts @ \$16/ft.	37,600
D. Apply and shape 18" gravel base @ \$8.30/ft x 2,350 feet	19,500
E. Apply and shape 3" of crushed gravel; apply 1 3/4" of base course bituminous concrete to width of 24 feet, apply bituminous curb and 2" of bituminous concrete to a width of 5 feet @ \$10/ft. x 2,350 feet	23,500
F. Apply 3/4" of surface bituminous concrete to width of 24 feet @ \$5/ft	11,800

Big Town Savings Bank understands that Developer, Inc., or the contractor, will notify the Code Enforcement Officer before any of the above work has begun and obtain his approval in writing as he completes each phase of the road construction.

This Account will expire when Parsonsfield acknowledges in writing to Developer, Inc. that the work outlined in Steps A through H has been completed in accordance with Parsonsfield's subdivision regulations and street acceptance ordinance, and the approved plans of Sunshine Estates. Any funds remaining in the account on [date specified above] for work outlined in Steps A through H which has not been completed and approved by the Town on that date will be released to the Town to complete such work. As the Code Enforcement Officer issues his written approvals for each step above to Developer, Inc. the funds in this Account will be released based upon the schedule above.

Drafts drawn upon this account must be for this particular subdivision and to complete any work which is outlined above. Furthermore, drafts must be accompanied by itemized statements showing costs of work to be completed and must be submitted prior to [six to nine months following date specified above]. Parsonsfield will not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before [date specified above].

Very Truly Yours,

Bob Banker

Loan Officer

*SEEN AND AGREED TO:* \_\_\_\_\_  
Developer, Inc.

Parsonsfield hereby accepts this original letter as evidence of Developer, Inc.'s obligation to be performed.

\_\_\_\_\_  
Chair of the Board of Selectmen

## Appendix C

### SAMPLE STORM DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_, of \_\_\_\_\_, County of \_\_\_\_\_, being the owner of a certain lot or parcel of land in the Town of Parsonsfield, County of York and State of Maine, which premises are more fully described in a certain subdivision plan entitled \_\_\_\_\_, by \_\_\_\_\_, dated \_\_\_\_\_, and recorded in the York County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_, which description of said premises is included herein by reference. For and in consideration of the sum of One Dollar and other good and valuable considerations paid by the Inhabitants of the Town of Parsonsfield, State of Maine, the receipt of which is hereby acknowledged, Grantor(s) do(es) hereby give, grant and quit-claim unto the said Inhabitants of the Town of Parsonsfield an easement and right-of-way for the construction, maintenance, repair or replacement of storm drains on or across said premises. Said easement shall be thirty (30) feet in width and \_\_\_\_\_ ( ) feet in length across Lots numbered \_\_\_\_\_ and shall be located as shown on the above-mentioned subdivision plan.

TO HAVE AND TO HOLD the said easement and right-of-way unto the said Inhabitants of the Town

of Parsonsfield for use for storm drainage so long as the same shall be used and maintained for such purposes; and the Grantor(s) hereby dedicate(s) their respective interests in said strip of land to public use for such purposes. Grantor(s) further grant(s) to the Inhabitants of the Town of Parsonsfield the right to enter upon said land for purposes hereinbefore mentioned and Grantor(s), their heirs or assigns shall not construct any structure within said easement or plant vegetation within said easement without the express written consent of the Town of Parsonsfield Road Commissioner.

IN WITNESS WHEREOF, the said \_\_\_\_\_ have hereunto set my (our) hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord two thousand and \_\_\_\_\_.

SIGNED, SEALED AND DELIVERED

in presence of

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\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

STATE OF MAINE

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_\_\_

Personally appeared, before me, the above-mentioned \_\_\_\_\_ and acknowledged the foregoing instrument to be \_\_\_\_\_ free act and deed.

\_\_\_\_\_  
Notary Public/Justice of the Peace

## Appendix D

### PARSONSFIELD PLANNING BOARD

### SUBDIVISION APPROVAL APPLICATION FORM

#### **APPLICANT INFORMATION**

Name of Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_)\_\_\_\_\_-\_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_)\_\_\_\_\_-\_\_\_\_\_

Name of applicant's authorized agent: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_)\_\_\_\_\_-\_\_\_\_\_

Name of Land Surveyor, Engineer, Architect or others preparing plan:

\_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_)\_\_\_\_\_-\_\_\_\_\_ Registration # \_\_\_\_\_

Person and Address to which all correspondence regarding this application should be sent:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What legal interest does the applicant have in the property to be developed?

☐ ownership ☐ option ☐ purchase and sales contract ☐ other \_\_\_\_\_

What interest does the applicant have in any abutting property? \_\_\_\_\_

### **LAND INFORMATION**

Location of Property (Street Location) \_\_\_\_\_

(from County Registry of Deeds): Book \_\_\_\_\_ Page \_\_\_\_\_

(from Tax Maps): Map \_\_\_\_\_ Lot(s) \_\_\_\_\_

Current zoning of property: \_\_\_\_\_

Is any portion of the property within 250 feet of a great pond or river? Yes      No

Is any portion of the property within the direct watershed of great pond? Yes      No

If yes, which great pond? \_\_\_\_\_

Total Acreage of Parcel: \_\_\_\_\_

Acreage to be developed: \_\_\_\_\_

Indicate the nature of any restrictive covenants to be placed in the deeds:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Has this land been part of a prior approved subdivision?      Yes      No

Or other divisions within the past 5 years?      Yes      No

Identify existing use(s) of land (farmland, woodlot, etc.) \_\_\_\_\_

\_\_\_\_\_

Does the parcel include any waterbodies?      Yes      No

Does the parcel include any wetlands?      Yes      No

Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency?      Yes      No

List below the names and mailing addresses of abutting property owners and owners across the road:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

_____	_____
_____	_____
_____	_____
_____	_____

**GENERAL INFORMATION**

Proposed name of development: \_\_\_\_\_

Number of lots or units: \_\_\_\_\_

Anticipated date for construction: \_\_\_\_\_

Anticipated date of completion: \_\_\_\_\_

Does this development propose the extension of public infrastructure? Yes      No

☐ roads    ☐ storm drainage    ☐ sidewalks    ☐ fire protection equipment    ☐ other

Estimated cost for infrastructure improvements \$ \_\_\_\_\_

Identify method of water supply to the proposed development:

- ☐ individual wells
- ☐ central well with distribution lines
- ☐ other, please state alternative \_\_\_\_\_

Identify method of sewage disposal to the proposed development:

- ☐ individual septic tanks
- ☐ central on site disposal with distribution lines
- ☐ other, please state alternative \_\_\_\_\_

Identify method of fire protection for the proposed development:

- ☐ dry hydrants located on an existing pond or water body
- ☐ existing fire pond
- ☐ other, please state alternative.

Does the applicant propose to dedicate to the public any streets, recreation or common lands?

street(s)    Yes    No    Estimated Length    \_\_\_\_\_



recreation area(s)    Yes    No    Estimated Acreage    \_\_\_\_\_

common land(s)    Yes    No    Estimated Acreage    \_\_\_\_\_

Does the applicant intend to request waivers of any of the subdivision submission requirements?

Yes    No

If yes, list them and state reasons for the request.

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To the best of my knowledge, all the above stated information submitted in this application is correct.

---

(signature of applicant)

---

(date)

## Appendix E

### RECEIPT OF SUBDIVISION APPLICATION

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear \_\_\_\_\_:

The Planning Board of the Town of \_\_\_\_\_ has received your application for a \_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_.

In accordance with Title 30-A M.R.S.A., §4403, sub-§3, the Board will, within 30 days, notify you in writing either that the application is a complete application, or if the application is incomplete, the specific additional material needed to make a complete application. After the Board has determined that a complete application has been filed, it will notify you and begin its full evaluation of the proposed subdivision.

Sincerely,

\_\_\_\_\_  
Chair of the Planning Board

## Appendix F

# MODEL NOTICE TO ABUTTERS OF RECEIPT OF APPLICATION

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear \_\_\_\_\_:

The \_\_\_\_\_ Planning Board has received an application for a \_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_.

Our records indicate that you own property abutting the parcel proposed to be subdivided. In accordance with Title 30-A M.R.S.A., §4403, sub§3, the Planning Board is required to notify you it has received this application. We have not yet determined that the application is complete and have not reviewed the application.

The application is available for your review at \_\_\_\_\_. The next scheduled meeting to discuss the application is \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Chair of the Planning Board

## Appendix G

### MODEL NOTICE TO PLANNING BOARD AND CLERK OF NEIGHBORING MUNICIPALITIES

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear \_\_\_\_\_:

The \_\_\_\_\_ Planning Board has received an application for a \_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_.

In accordance with Title 30-A M.R.S.A., §4403, sub§3, the Planning Board is required to notify you it has received this application, because it abuts or crosses the municipal boundary (*if the proposed subdivision crosses municipal boundaries*). Title 30-A M.R.S.A., §4403, sub§3 requires a joint meeting between the two Planning Boards. Please contact me at (*phone number*) to set up such a meeting.

The application is available for your review at \_\_\_\_\_. The next scheduled meeting of the \_\_\_\_\_ Planning Board to discuss the application is \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Chair of Planning Board

## Appendix H

### NOTICE OF INCOMPLETE APPLICATION

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear \_\_\_\_\_:

The Planning Board of the Town of \_\_\_\_\_ has reviewed your application for a \_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_ and found it to be incomplete.

In order to be considered a complete application the following materials must be submitted:

a.

b.

c.

Sincerely,

\_\_\_\_\_  
Chair of the Planning Board

## Appendix I

### NOTICE OF COMPLETE APPLICATION

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear \_\_\_\_\_:

The \_\_\_\_\_ Planning Board has reviewed your application for a  
\_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_ and found it to be complete.

The Board has scheduled a meeting for \_\_\_\_\_ (date) at  
\_\_\_\_\_ p.m. (time) at which time your application will be reviewed for conformance with  
criteria of Title 30-A M.R.S.A., §4404 and the standards of the \_\_\_\_\_ Subdivision  
Regulations. You or your authorized representative are encouraged to attend the meeting.

At that time the Board will determine whether to hold a public hearing.

Sincerely,

---

Chair of Planning Board

## Appendix J

### MODEL NOTICE OF PUBLIC HEARING

\_\_\_\_\_ PLANNING BOARD

The \_\_\_\_\_ Planning Board will hold a public hearing on an application for the proposed  
\_\_\_\_\_ subdivision, as requested by \_\_\_\_\_.

The Public Hearing will take place on \_\_\_\_\_ *(date)* at  
\_\_\_\_\_ p.m. *(time)*, in the \_\_\_\_\_ *(place)*.

The application for a subdivision proposes to establish \_\_\_\_\_ lots/dwellings on \_\_\_\_\_ acres on  
the \_\_\_\_\_ Road.

---

Chair of the Planning Board

-----  
(for newspaper use only)

Publish the above notice on the following dates: \_\_\_\_\_

\_\_\_\_\_

Charge to: \_\_\_\_\_

\_\_\_\_\_

## Appendix K

### AGREEMENT TO EXTEND SUBDIVISION REVIEW PERIOD

\_\_\_\_\_ Planning Board

WHEREAS The State Subdivision Law, Title 30-A M.R.S.A., §4403, requires that the municipal reviewing authority approve, approve with conditions, or deny an application for subdivision review within 60 days of having determined a complete application had been submitted, or within 30 days of a public hearing if one is held; and

WHEREAS The complete subdivision application submitted by the undersigned applicant can not be adequately reviewed in the specified time period because of the complexity of the application, and would therefore have to be denied and resubmitted; and

WHEREAS It would be mutually advantageous to the undersigned parties to extend the review period; and

WHEREAS Title 30-A M.R.S.A., §4403 stipulates that the time period within which a subdivision application must be reviewed may be extended by mutual agreement;

NOW THEREFORE the undersigned parties mutually agree that:



1. The subdivision review period shall be extended to \_\_\_\_\_.
2. The decision on the subdivision shall be rendered by that date, unless the review period is again extended by mutual agreement.

Signed \_\_\_\_\_  
Chair of the Planning Board

\_\_\_\_\_  
Applicant

Date \_\_\_\_\_

## Appendix L

### MODEL NOTICE OF APPROVAL OF PRELIMINARY PLAN APPLICATION

Date: \_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_;

This letter is to inform you that on \_\_\_\_\_ (date) the \_\_\_\_\_  
Planning Board approved your preliminary plan application for the proposed \_\_\_\_\_  
subdivision.

In accordance with Section \_\_\_\_\_ of the \_\_\_\_\_ Subdivision Regulations, the Planning

Board has granted approval with the following conditions:

- 1.
- 2.
- 3.

The Final Plan application must include cost estimates and proposed performance guarantees for the following improvements:

- a.
- b.
- c.

In addition, you should be aware that Section \_\_\_\_\_ of the Subdivision Regulations requires that the Final Plan application is submitted within six months of this decision.

Sincerely,

---

Chair of the Planning Board

cc: Code Enforcement Officer  
Municipal Officers

## Appendix M

### MODEL NOTICE OF DECISION

Date: \_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_ :

This letter is to inform you that the \_\_\_\_\_ Planning Board has acted on your application for a subdivision as follows:

### Findings of Fact

1. The owner of the property is \_\_\_\_\_.
2. The property is located at \_\_\_\_\_, in the \_\_\_\_\_ zoning district, identified as Assessor's Map \_\_\_\_\_, Lot \_\_\_\_\_, and contains \_\_\_\_\_ (acres, sq. ft.).
3. The applicant is \_\_\_\_\_, who has demonstrated a legal interest in the property by providing a copy of a \_\_\_\_\_ (deed, option, purchase and sales agreement).
4. The applicant proposes to establish a \_\_\_\_\_ lot subdivision on the subject property. The lots range in size from \_\_\_\_\_ (sq. ft., acres) to \_\_\_\_\_ (sq. ft., acres).
5. The application was determined to be complete on \_\_\_\_\_ (date).
6. A public hearing was held on \_\_\_\_\_ (date).
7. Water is to be supplied by (private wells, the \_\_\_\_\_ Water Department).
8. Sewage is to be disposed of by (individual subsurface disposal systems, the \_\_\_\_\_ Sewer District). Site evaluations for each lot, meeting the requirement of the Maine Plumbing Rules were completed by \_\_\_\_\_, Licensed Site Evaluator, on \_\_\_\_\_. **(or)** The \_\_\_\_\_ Sewer District has approved the plans for sewer lines and indicated it will be able to adequately treat the waste.
9. A storm water drainage plan has been prepared by \_\_\_\_\_, P.E.
10. The applicant proposes to construct a street of approximately \_\_\_\_\_ feet in length, which is proposed to (be dedicated as a public way, remain as a private way).
11. The applicant has submitted a (certified check, certificate of deposit, a performance bond, a letter of credit) adequate to cover the costs of all required improvements.
12. \_\_\_\_\_.
13. \_\_\_\_\_.

### Conclusions

1. The criteria of Title 30-A M.R.S.A., §4404 have been met. **(or)** The following criteria of Title 30-A M.R.S.A., §4404 have not been met: \_\_\_\_\_.

- \_\_\_\_\_.
2. The standards of the Town's subdivision (*regulations, ordinance*) have been met, except for the following which have been waived by the Planning Board: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. (**or**) The following standards of the Town's subdivision (*regulations, ordinance*) have not been met: \_\_\_\_\_, \_\_\_\_\_.
  3. \_\_\_\_\_.
  4. \_\_\_\_\_.

### **Decision**

Based on the above facts and conclusions, on \_\_\_\_\_, the Planning Board voted to (*approve, deny*) your application for a subdivision.

*(If Approved)*

### **Conditions of Approval**

In order to further promote the purposes of the State Subdivision Law, the Town's Subdivision (*Regulations, Ordinance*), Zoning Ordinance, and Comprehensive Plan, the Planning Board has voted to impose the following conditions on the approval of this subdivision:

1. \_\_\_\_\_.
2. \_\_\_\_\_.
3. \_\_\_\_\_.

In addition, the Board wants to make sure you are aware of the following requirements from its (*regulations, ordinance*):

1. Any subdivision not recorded at the \_\_\_\_\_ County Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void, unless an extension is granted by the Board in writing.
2. No changes, erasures, modification, or revisions shall be made in any final plan after approval has been given, unless the revised final plan is first submitted to the Board and the Board approves any modifications.
3. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the plan null and void.
4. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of the improvements, so that inspections can be made.
5. 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 are in place, are properly installed, and appear adequate to do the job for which they were designed.
6. 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.

7. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to town meeting, a written certification signed by a professional engineer shall be submitted to the town certifying that the proposed town way meets or exceeds the design and construction requirements of the regulations and the Road and Street Ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

*(If Denied, or if conditions imposed on approval )*

In accordance with Section \_\_\_\_\_ of the \_\_\_\_\_ Subdivision  
(Regulations, Ordinance), you have the right to appeal this decision to \_\_\_\_\_ County  
Superior Court within thirty days of the decision.

Sincerely,

\_\_\_\_\_  
Chair of the Planning Board

cc: Code Enforcement Officer

Municipal Officers

\_\_\_\_\_ Water Department

\_\_\_\_\_ Sewer District

## Appendix N

# FINAL PLAN APPLICATION CHECKLIST FOR MINOR SUBDIVISIONS

Subdivision Name \_\_\_\_\_ Date \_\_\_\_\_

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of Article 6 of the Subdivision Regulations (or Ordinance). The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. However, detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans may best be presented on a separate sheet or sheets.

Note that this checklist only covers the submission requirements for a final plan for minor subdivision. It does not address the standards that the final plan must meet. There are two other checklists which address the performance standards and the design guidelines which the applicant may find of assistance.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
<b>6.3.A.</b>	<b>Seven copies of application plus accompanying information</b>					
<b>6.3.B.</b>	<b>LOCATION MAP</b>					
B.1.	Existing subdivisions in the proximity of proposed subdivision					
B.2.	Locations and names of existing and proposed streets					
B.3.	Zoning boundaries and designations					
B.4.	Outline of proposed subdivision and owner's remaining contiguous land					
<b>6.3.C.</b>	<b>FINAL PLAN</b>					
C.	Two reproducible and three copies of all maps and/or drawings more than 100 acres, not smaller than 1"= 200'					
C.	On sheets not larger than 24" x 36" with 2" border on binding side; 1" for borders elsewhere					
C.	Block for Planning Board signatures					
C.	Three copies of all information accompanying the plan					
C.	Copies of the plan reduced to 8.5" x 11" or 11" x 17" for each Board member					
<b>6.3.D.</b>	<b>INFORMATION</b>					

D.1.	Name of Subdivision, Name of Town and Assessor's Map and Lot Number(s)					
D.2.	Verification of right, title or interest in property					
D.3.	Standard boundary survey					
D.4.	Copy of most recent deed and all restrictions, easements, rights-of-way and other encumbrances					
D.5.	Deed restrictions on proposed new lots or dwellings					
<b>SUBDIVISION REGULATIONS</b>		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
D.6.	Type of sewage proposed					
D.6.	Test pit analyses by Site Evaluator and test sites location map					
D.7.	Type of water supply system(s)					
D.7.a.	Water Company letter re: capacity					
D.7.a.	Fire Chief letter on hydrants					
D.7.b.	Well driller or hydrologist letter on ground water supply and quality					
D.8.	Date plan prepared, north point and graphic map scale					
D.9.	Names and addresses of record owner, subdivider, plan preparer(s) and adjoining property owners					
D.10.	High intensity soil survey by Soil Scientist; all wetlands identified					
D.11.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features; i.e., rock outcrops, etc.					
D.11.	Location of trees more than 24" in diameter					
D.11.	On wooded sites, clearings for lawns and structures; areas restricted from the clearing of vegetation					
D.12.	All rivers, streams and brooks within and adjacent to subdivision					
D.12.	Within the direct watershed of a great pond					
D.13.	Topographic contour lines specified by Planning Board					
D.14.	Zoning District(s) and boundaries					
D.15.	Location and size of existing and proposed sewers, water mains, culverts and drainageways on and adjacent to subdivision					
D.16.	Location, name and widths of existing streets and highways					
D.16.	Location, name and widths of existing and proposed easements, building lines, parks and open spaces on or adjacent to subdivision tied to survey reference points					
D.17.	Location and dimensions of streets, public improvements and open space in subdivision as shown on Official Map and Comprehensive Plan					
D.18.	Location of open space to be preserved, any improvements; the management of the open space					

D.19.	Parcels dedicated to public use; condition of such dedication; written documentation of ownership of public use parcels; legal sufficiency to convey title(s) to Town					
D.20.	100-year flood elevations					
D.21.a	Hydrogeologic assessment for subdivision not served by sewer and if any part of subdivision is over a sand and gravel aquifer, or (See 21.b)					
D.21.b.	Hydrogeologic assessment if average density is more than one dwelling unit per 100,000 sq. ft.					
D.21.b.	Hydrogeologic assessment if Board determines potential adverse impacts on ground water quality					
D.22.	Vehicular trip generation rates					
D.23.	Traffic impact analysis for 40 or more parking spaces or for 400 vehicle trips per day or more					
D.24.	Storm water management plan					
<b>SUBDIVISION REGULATIONS</b>		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
D.25.	Erosion and sedimentation control plan					
D.26.	High or moderate value wildlife habitat within or adjacent to the subdivision					
D.27.	Phosphorus control plan for subdivisions in direct watersheds of great pond					
D.27.a.	Simplified review procedure					
D.27.b.i	Phosphorus impact and control plan					
b.ii.	Long-term maintenance plan					
b.iii.	Five feet or closer topographic contour lines					
b.iv.	25% slopes covering more than one acre					
D.28.	Location and method of disposal for land clearing and construction debris					
<b>6.3.D</b>	<b>ADDITIONAL INFORMATION</b>					
6.3.D	Planning Board may require additional information where it is determined necessary by the Board to meet criteria of the State Subdivision Statute Title 30-A M.R.S.A., §4404.					



## Appendix O

### PRELIMINARY PLAN APPLICATION CHECKLIST FOR MAJOR SUBDIVISIONS

Subdivision Name \_\_\_\_\_ Date \_\_\_\_\_

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of Article 7 of the Subdivision Regulations (or Ordinance). The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column.

Note that this checklist only covers the submission requirements for a preliminary plan for major subdivision. It does not address the standards that the preliminary plan must meet. There are two other checklists which address the performance standards and the design guidelines which the applicant may find of assistance.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
<b>7.2.A.</b>	<b>Seven copies of application plus accompanying information</b>					
<b>7.2.B.</b>	<b>LOCATION MAP</b>					
B.1.	Existing subdivisions in the proximity of proposed subdivision					
B.2.	Locations and names of existing and proposed streets					
B.3.	Zoning boundaries and designations					
B.4.	Outline of proposed subdivision and owner's					

	remaining contiguous land					
<b>7.2.C.</b>	<b>PRELIMINARY PLAN</b>					
C.	Three copies of all maps and/or drawings printed or reproduced on paper					
C.	Scale not smaller than 1"= 100'; for subdivision more than 100 acres, not smaller than 1"= 200'					
C.	Copies of the plans and drawings on 8.5" x 11" or 11" x 17" sheets plus all accompanying information for each Board member					
<b>7.2.D.</b>	<b>INFORMATION</b>					
D.1.	Name of subdivision, name of town and assessor's Map and Lot Number(s)					
D.2.	Verification of right, title or interest in property					
D.3.	Standard boundary survey					
D.4.	Copy of most recently recorded deed; all restrictions, easements, rights-of-way and other encumbrances					
D.5.	Deed restrictions on proposed new lots or dwellings					
D.6.	Type of sewage proposed					
D.6.	Test pit analyses by Site Evaluator and test sites location map					
D.7.	Type of water supply system(s)					
<b>SUBDIVISION REGULATIONS</b>		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
D.7.	Water Company letter of capacity					
D.8.	Date plan prepared, north point and graphic map scale					
D.9.	Names and addresses of record owner, subdivider, plan preparer(s) and adjoining property owners					
D.10.	High intensity soil survey by Soil Scientist; all wetlands identified					
D.11.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features					
D.11.	Location of trees more than 24" in diameter					
D.11.	On wooded sites, clearings for lawns and structures					
D.12.	All rivers, streams and brooks within and adjacent to subdivision					
D.13.	Topographic contour lines specified by Planning Board					
D.14.	Zoning District(s) and boundaries					
D.15.	Location and size of existing and proposed sewers, water mains, culverts and drainageways on and adjacent to subdivision					
D.16.	Location, name and widths of existing streets and highways					
D.16.	Location, name and widths of existing and proposed easements, building lines, parks and open spaces on or adjacent to subdivision					

D.17.	Location and dimensions of streets, public improvements and open space in subdivision as shown on the Official Map and the Comprehensive Plan					
D.18.	Proposed lot lines, approximate dimensions and lot areas					
D.19.	Parcels of land proposed to be dedicated to public use; condition of such dedication					
D.20.	Open space to be preserved; proposed ownership, improvements, management					
D.21.	Area of each lot permitting forest clearing and lawn planting					
D.22.	100-year flood elevations					
D.23.	Hydrogeologic assessment if subdivision not served by public sewer AND any part of subdivision is over a sand and gravel aquifer, OR average density is more than one dwelling unit per 100,000 sq. ft.					
D.23.	Hydrogeologic assessment if Board determines potential adverse impacts on ground water quality. Conduct assessment per Article 11.12.A.1					
D.24.	Vehicular trip generation rates					
D.25.	High or moderate value wildlife habitat within or adjacent to the subdivision					
D.26.	If the proposed subdivision is within the direct watershed of a great pond AND it qualifies, then the simplified phosphorus control review procedure is required, including a long term maintenance program for phosphorus control. See Article 11.11.A.2					
<b>7.2.D</b>	<b>ADDITIONAL INFORMATION</b>					
	Planning Board may require additional information where it is determined necessary by the Board to meet criteria of the State Subdivision Statute Title 30-A M.R.S.A., §4404.					

## Appendix O

### PRELIMINARY PLAN APPLICATION CHECKLIST FOR MAJOR SUBDIVISIONS

Subdivision Name \_\_\_\_\_ Date \_\_\_\_\_

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of Article 7 of the Subdivision Regulations (or Ordinance). The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column.

Note that this checklist only covers the submission requirements for a preliminary plan for major subdivision. It does not address the standards that the preliminary plan must meet. There are two other checklists which address the performance standards and the design guidelines which the applicant may find of assistance.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

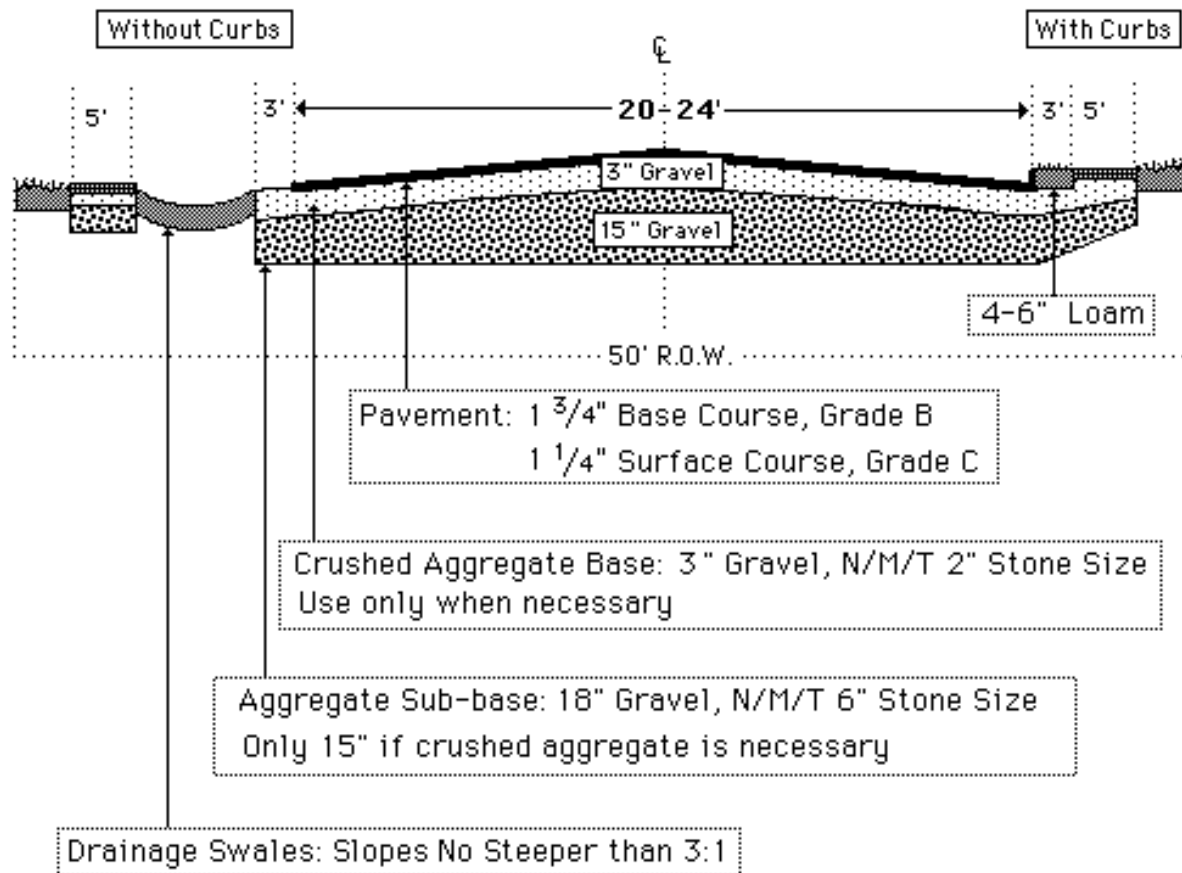
SUBDIVISION REGULATIONS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
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<b>7.2.A.</b>	<b>Seven copies of application plus accompanying information</b>					
<b>7.2.B.</b>	<b>LOCATION MAP</b>					
B.1.	Existing subdivisions in the proximity of proposed subdivision					
B.2.	Locations and names of existing and proposed streets					
B.3.	Zoning boundaries and designations					
B.4.	Outline of proposed subdivision and owner's remaining contiguous land					
<b>7.2.C.</b>	<b>PRELIMINARY PLAN</b>					
C.	Three copies of all maps and/or drawings printed or reproduced on paper					
C.	Scale not smaller than 1"= 100'; for subdivision more than 100 acres, not smaller than 1"= 200'					
C.	Copies of the plans and drawings on 8.5" x 11" or 11" x 17" sheets plus all accompanying information for each Board member					
<b>7.2.D.</b>	<b>INFORMATION</b>					
D.1.	Name of subdivision, name of town and assessor's Map and Lot Number(s)					
D.2.	Verification of right, title or interest in property					
D.3.	Standard boundary survey					
D.4.	Copy of most recently recorded deed; all restrictions, easements, rights-of-way and other encumbrances					
D.5.	Deed restrictions on proposed new lots or dwellings					
D.6.	Type of sewage proposed					
D.6.	Test pit analyses by Site Evaluator and test sites location map					
D.7.	Type of water supply system(s)					
<b>SUBDIVISION REGULATIONS</b>		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
D.7.	Water Company letter of capacity					
D.8.	Date plan prepared, north point and graphic map scale					
D.9.	Names and addresses of record owner, subdivider, plan preparer(s) and adjoining property owners					
D.10.	High intensity soil survey by Soil Scientist; all wetlands identified					
D.11.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features					
D.11.	Location of trees more than 24" in diameter					
D.11.	On wooded sites, clearings for lawns and structures					
D.12.	All rivers, streams and brooks within and adjacent to subdivision					
D.13.	Topographic contour lines specified by Planning Board					

D.14.	Zoning District(s) and boundaries					
D.15.	Location and size of existing and proposed sewers, water mains, culverts and drainageways on and adjacent to subdivision					
D.16.	Location, name and widths of existing streets and highways					
D.16.	Location, name and widths of existing and proposed easements, building lines, parks and open spaces on or adjacent to subdivision					
D.17.	Location and dimensions of streets, public improvements and open space in subdivision as shown on the Official Map and the Comprehensive Plan					
D.18.	Proposed lot lines, approximate dimensions and lot areas					
D.19.	Parcels of land proposed to be dedicated to public use; condition of such dedication					
D.20.	Open space to be preserved; proposed ownership, improvements, management					
D.21.	Area of each lot permitting forest clearing and lawn planting					
D.22.	100-year flood elevations					
D.23.	Hydrogeologic assessment if subdivision not served by public sewer AND any part of subdivision is over a sand and gravel aquifer, OR average density is more than one dwelling unit per 100,000 sq. ft.					
D.23.	Hydrogeologic assessment if Board determines potential adverse impacts on ground water quality. Conduct assessment per Article 11.12.A.1					
D.24.	Vehicular trip generation rates					
D.25.	High or moderate value wildlife habitat within or adjacent to the subdivision					
D.26.	If the proposed subdivision is within the direct watershed of a great pond AND it qualifies, then the simplified phosphorus control review procedure is required, including a long term maintenance program for phosphorus control. See Article 11.11.A.2					
<b>7.2.D</b>	<b>ADDITIONAL INFORMATION</b>					
	Planning Board may require additional information where it is determined necessary by the Board to meet criteria of the State Subdivision Statute Title 30-A M.R.S.A., §4404.					

## Appendix S

### TYPICAL STREET CROSS SECTION



## Appendix T

### MAINE'S REGIONAL COUNCILS

Androscoggin Valley Council of Governments

125 Manley Road

Auburn, ME 04210

207-783-9186

FAX: 207-783-5211

email: [avcog@server.eddmaine.org](mailto:avcog@server.eddmaine.org)

FAX: 207-774-7149

email: [gpcog@server.eddmaine.org](mailto:gpcog@server.eddmaine.org)

[www.eddmaine.org/~gpcog](http://www.eddmaine.org/~gpcog)

Greater Portland Council of Governments

233 Oxford Street

Portland, ME 04101

207-774-9891

Hancock County Planning Commission

RR 4, Box 22

Ellsworth, ME 04605

207-667-7131

FAX: 207-667-2099

email: [hcpc@acadia.net](mailto:hcpc@acadia.net)



Kennebec Valley Council of Governments  
17 Main Street  
Fairfield, ME 04937  
207-453-4258  
1-800-731-5019  
FAX: 207-4264  
email: [kvcog@server.eddmaine.org](mailto:kvcog@server.eddmaine.org)  
[www.kvcog.org](http://www.kvcog.org)

Merrymeeting Council of Governments  
c/o MCBD  
8 Lincoln Street  
Brunswick, ME 04011  
207-729-0144  
FAX: 207-725-0989  
email: [mcbd@gwi.net](mailto:mcbd@gwi.net)

Mid-Coast Planning Commission  
218 Main Street, Suite 1-South  
Rockland, ME 04841  
207-594-2299  
FAX: 207-594-4272  
email: [planning@midcoast.com](mailto:planning@midcoast.com)  
[www.midcoast.com/~planning/](http://www.midcoast.com/~planning/)

Northern Maine Development Commission  
P.O. Box 779  
Caribou, ME 04736  
207-498-8736  
1-800-427-8736  
FAX: 207-493-3108  
email: [nmdc@nmdc.org](mailto:nmdc@nmdc.org)  
[www.thecounty.com](http://www.thecounty.com)

Penobscot Valley Council of Governments  
1 Cumberland Place, Suite 300  
Bangor, ME 04401  
207-942-6389  
FAX: 207-942-3548  
email: [emdc@acadia.net](mailto:emdc@acadia.net)

Southern Maine Regional Planning Commission  
9 Bradeen Street, Suite 400  
Springvale, ME 04083  
207-324-2952  
FAX: 207-324-2958  
[www.smrpc.maine.org](http://www.smrpc.maine.org)

Washington County Regional Planning  
Commission

63 Main Street

Machias, ME 04654

207-255-8686

FAX: 207-255-4987

email: [avery/g@nemain.com](mailto:avery/g@nemain.com)

### SOIL AND WATER CONSERVATION DISTRICTS

#### Androscoggin/Sagadahoc SWCD

27 Westminster Street

Lewiston, ME 04330

207-783-9196

#### Penobscot County SWCD

970 Illinois Avenue, Suite 2

Bangor, ME 04401

207-947-6622

#### Central Aroostook SWCD

744 Main Street

Presque Isle, ME 04769

207-764-4153

#### Piscataquis County SWCD

1073 West Main Street, Suite 7

Dover-Foxcroft, ME 04426

207-564-2321

#### Cumberland County SWCD

381 Main Street

Gorham, ME 04038

207-839-7842

#### St. John Valley SWCD

96 Market Street

Fort Kent, ME 04743

207-834-2432

#### Franklin County SWCD

2 Park Street

Farmington, ME 04938

207-778-4767

#### Somerset County SWCD

7 High Street

Skowhegan, ME 04976

207-474-8324

#### Hancock County SWCD

RFD 5, Box 508W

Ellsworth, ME 04605

207-667-8663

#### Southern Aroostook SWCD

RR 3, Box 45

Houlton, ME 04730

207-532-2087

#### Kennebec County SWCD

Western Avenue

Augusta, ME 04330

207-622-8289

#### Waldo County SWCD

69 Northport Avenue

Belfast, ME 04915

207-338-2320

Knox-Lincoln County SWCD  
191 Camden Road  
Warren, ME 04866  
207-273-2005

Washington County SWCD  
49 Court Street  
Machias, ME 04654  
207-255-3995

Oxford County SWCD  
1 Main Street  
South Paris, ME 04281  
207-743-7019

York County SWCD  
160 Cottage Street  
Sanford, ME 04073  
207-324-7015

## Appendix V

# PLANNING BOARD RECORD OF SUBDIVISION APPLICAT

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