

On April 1, 2008, The Bradley Town Council voted to approve the following fees governing subdivision applications. These fees are effective immediately.

Preliminary: \$125 plus \$25 per lot or unit plus \$20 for every additional 4 acres or portion thereof (open space, common areas, buffer zones, etc)

Final, minor: \$125 plus \$50 per lot

Final, major: \$50 per lot.

Technical review fee (Art. 6.2.B & Art. 7.1.B): In addition to other fees, the applicant shall pay a separate fee of two hundred (\$200.00) per lot or unit prior to the start of the Planning Board's review of the Final Plan of a Minor Subdivision or of the Preliminary Plan of a Major Subdivision.

This fee shall be paid in the form of a check made payable to the Town of Bradley. The Town shall deposit this fee into a special account designated by the particular subdivision application that is separate and distinct from all other Planning Board and Town accounts, to be used by the Planning Board and the Town Council for the following purposes:

- ◆ Legal fees incurred by the Town for review of the project.

(NOT FOR USE IN LITIGATION).

- ◆ The cost of professionals to inspect required improvements.
- ◆ The cost of professionals to review the proposed project.

If the balance in this account is drawn down by fifty percent (50%) or more, the Planning Board shall notify the applicant and require that an additional \$150 per lot or dwelling unit be deposited by the applicant. The Planning Board shall continue to notify the applicant and require an additional \$150 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by fifty percent (50%) of the original deposit.

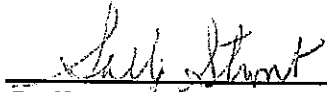
Any balance remaining, after the completion and inspection of required improvements, shall be returned to the applicant.

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The Bradley Town Council, after due process, may, from time to time, vote to change any or all of these fees.

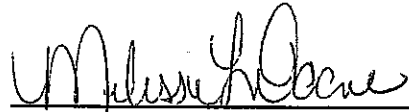
TOWN OF BRADLEY
SUBDIVISION ORDINANCE

Approved by the Bradley Town Council at a duly called meeting
on 2/20/08


Sally Strout, Chairperson


Oscar Emerson

A True Copy Attest:


Melissa L. Doane, Town Clerk


Audrey Wilcox


Lillian Coulter


J. Frederick Gifford

THE TOWN OF BRADLEY HEREBY ORDAINS that the following ordinance
shall be adopted to govern subdivision development.

TOWN OF BRADLEY

SUBDIVISION ORDINANCE

article 1 – purposes

The purposes of this Ordinance are:

- 1.1** To provide for an expeditious and efficient process for the review of proposed subdivisions;
- 1.2** To clarify the approval criteria of the state Subdivision Law, found in Title 30-A M.R.S.A., Section 4404;
- 1.3** To assure that new development in the Town of Bradley meets the goals and conforms to the policies of the Comprehensive Plan;
- 1.4** To assure the comfort, convenience, safety, health and welfare of the people of the Town of Bradley;
- 1.5** To protect the environment and conserve the natural and cultural resources identified in the Bradley Comprehensive Plan as important to the community;
- 1.6** To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- 1.7** To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality;
- 1.8** To promote the orderly development of an economically sound and stable community; and
- 1.9** To assure that within the watersheds of all lakes and ponds development shall not degrade the water quality of the lake or pond, thereby retaining its suitability for water supply and for recreational purposes.

article 2 – authority and administration

2.1 Authority.

- A. This Subdivision Ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.
- B. This Subdivision Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Bradley, Maine."
- C. Adoption of this Subdivision Ordinance hereby repeals the Town of Bradley Subdivision Ordinance dated July 1, 1977.

2.2 Administration.

- A. The Planning Board of the Town of Bradley, hereinafter called the Board, shall administer this Ordinance.
- B. The provisions of this Ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Bradley.

2.3 Amendments.

- A. This Ordinance may be amended by the Town Council of the Town of Bradley, in accordance with Chapter 1, General Provisions of the Town of Bradley Code.
- B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

article 3 – definitions

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Land Use Ordinance of the Town of Bradley shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Applicant: The person applying for subdivision approval under this ordinance.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

BFE: Base Flood Elevation, 100-Year Flood, q.v.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Cluster Developments: *Clustered Residential Development:* A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town or a land conservation organization.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the

general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this ordinance. The Board may vote to waive the submission of some of the required information pursuant to Article 14.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Cul-de-sac: A circular area at the end of a dead-end road, for the reversal of traffic.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which site improvements are made, including buildings, landscaping, parking areas, and streets.

Direct Watershed of a Great Pond: That portion of the watershed that drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan.

Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its

designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

Driveway: A vehicular access way serving one dwelling unit or less.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, bathing and eating. The term shall include mobile homes but not travel trailers or motor homes. Guest quarters that meet this definition shall be considered a separate dwelling unit and must meet all applicable requirements.

Engineered Subsurface Waste Water Disposal System: A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

Final Plan: The final drawings, on which the applicant's plan of subdivision is presented to the Board for approval.

Freshwater Wetland: Areas which are 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 are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria. See Shoreland Zoning Ordinance for a more complete and specific definition.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed

or increased inland body of water is completely surrounded by land held by a single owner.

Hammer-head: A turn-around area, normally at the end of a dead-end road. An alternative, in some instances, to a cul-de-sac.

High Intensity Soil Survey: A map prepared by a Soil Scientist certified in the State of Maine which identifies the soil types down to one-eighth acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

100-Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

High Water Mark (Inland Waters): That line, apparent from visible markings, at which changes in the character of soils due to prolonged action of the water or changes in vegetation take place, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, current edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Multifamily Development: A subdivision that contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Municipal Engineer: Any registered professional engineer hired or retained by the Town of Bradley, either as staff or on a contractual basis.

Municipal Planner: Any professional planner hired by or retained by the Town of Bradley, either as staff or on a contractual basis.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan,

Net Residential Density: The average number of dwelling units per net residential acre.

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 Ordinance.

NGVD: National Geodetic Vertical Datum. Previously referred to as U.S. Coast and Geodetic Survey Mean Sea Level Datum (US.C.&GS)

Nonpossessory Interest: An interest that gives the holder some right of entry or use of the land of another.

Person: An individual, corporation, governmental agency, town, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Planning Board: The Planning Board of the Town of Bradley.

Preliminary Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Principal Structure: Any building or structure in which the main use of the premises takes place.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year (Or current definition per Health Human Services standards)

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway: used in this Ordinance as a reference for unobstructed road visibility according to current Maine Department of Transportation Standards.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Spring: A natural point of noticeable ground water discharge.

Street: A public or private way which affords the principal means of access to abutting properties and which has been duly recorded as such in the Registry of Deeds.

Street Classification:

Arterial Street: A major thoroughfare that serves as a major traffic way for travel between and through the municipality.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets that serve as feeders to arterial streets, and collectors of traffic from minor streets.

Dead-End: A street with only one outlet and having a circular end (Cul-de-sac) or other means (Hammer-Head) for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Way: A privately owned road, driveway for vehicle access to structures or uses on lots.

Subdivision: The definition of "subdivision" contained in the Maine Revised Statutes at 30-A M.R.S.A. § 4401 (4), as it may be amended from time to time.

Subdivision, Major: Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street.

Subdivision, Minor: Any subdivision containing four lots or dwelling units or less, and not containing a proposed street.

Substantial Start: The completion of a portion of the improvements that represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

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 such road was established by the owner of land on both sides after September 22, 1971.

Usable Open Space: That portion of the common open space that due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

article 4 – administrative procedure

4.1 Procedure

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall:

Prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board's agenda at least fifteen days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer and complying with the submission requirements.

4.2 Ineligible Applicant

No plan may be considered by the Board as long as the applicant or principals of any such applicant shall be in default or shall have failed to complete improvements on any previously approved subdivision plan in the Town, in accordance with the terms of the approval. Such default or failure to complete shall constitute conclusive evidence of the inability of such applicant to comply with the terms of this Ordinance or to complete work required by a Final Plan.

article 5 – pre-application meeting, sketch plan and site inspection

5.1 Purpose.

The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

5.2 Procedure.

- A. The applicant shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application. In addition the following determinations shall be made by the Board:
 - 1. Classification of the Subdivision.
 - 2. Classification of Streets within the proposed Subdivision as appropriate (minor or collector)
- C. The date of the on-site inspection is selected.

5.3 Submission.

The Pre-application Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified

in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:

- A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in size.
- B. A copy of that portion of the *Soil Survey of Penobscot County Maine* covering the proposed subdivision, showing the outline of the proposed subdivision.

5.4 On-Site Inspection.

In preparation for preliminary review, the Board may hold an on-site inspection of the property. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5.5 Rights Not Vested.

The pre-application meeting, the submittal or review of the sketch plan or the on-site inspection 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. §302.

5.6 Establishment of File.

Following the pre-application meeting with the Planning Board, the Code Enforcement Officer shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.

5.7 Caution.

Developers are cautioned that the following activities are prohibited (after the Sketch Plan presentation), until a proposed subdivision has been reviewed and approved by the Board: Construction of streets; cutting of trees (other than thinning); grading of land or lots; offering or advertising lots for sale.

article 6 – minor subdivision

6.1 General.

The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A M.R.S.A. §4404, or the standards from Article 11 of these regulations, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

6.2 Procedure.

- A. Within six months after the Sketch Plan Meeting, the Board, the applicant shall submit an application for approval of a final plan at least fifteen days prior to a scheduled meeting of the Board. Applications shall be submitted to the Code Enforcement Officer in care of the Planning Board. Failure to submit the application within six months shall require resubmission of the Sketch Plan to the Board. The final plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board. An additional copy of all application material shall be provided to the Town Clerk at time of submission.
- B. All applications for final plan approval of a Minor Subdivision shall be accompanied by a non-refundable application fee per lot or dwelling unit, as determined by the Town Council, payable by check to the Town of Bradley. **No further action shall be taken until proof of fee payment is submitted.** In addition, the Board upon reviewing the application and finding the need for outside professional assistance, may, at its sole discretion, hire its own civil engineer, soil scientist, geologist or other experts to review the plan submitted by the applicant. The applicant shall deposit an amount determined by the Board in an account with the Town of Bradley in advance of the hiring of such experts to cover this expense. Any balance in the account remaining after the decision on the final plan application by the Planning Board shall be returned to the applicant.
- C. Prior to the meeting at which an application for final plan approval of a minor subdivision is initially presented, the Planning Board shall:

1. Issue a dated receipt to the applicant.
 2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. The costs of notification to be reimbursed to the town by the applicant.
 3. Notify the Town Clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
- D. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- E. A public hearing shall be held within thirty days of the Board's determination that it has received a completed plan application. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and be published in a newspaper of general circulation in Bradley, at least one time, the date of publication to be at least seven days prior to the hearing, and posted in the Town Office. For any proposed subdivision lying wholly or partly within the watershed of a public water supply, water district or its successors shall be notified of the date, time and place of the hearing.
- F. Within thirty days from the public hearing 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 and conclusions relative to the criteria contained in Title 30-A M.R.S.A., §4404 and the standards of Article 11. If the Board finds that all the criteria of the Statute and the standards of Article 11 have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of Article 11 has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The Board

shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval. In issuing its decision, the Board shall state, in writing, the conditions of such approval, if any, with respect to:

1. The specific changes it will require in the Final Plan;
2. The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and general welfare; and
3. The amount of improvements or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Plan.

6.3 Submissions.

The final plan application shall consist of the following items.

- A. Application Form.
- B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 1. Existing subdivisions in the proximity of the proposed subdivision.
 2. Locations and names of existing and proposed streets.
 3. Boundaries and designations of zoning districts.
 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted cover only a portion of the owner's entire contiguous holding.
- C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of two reproducible Mylar's, one to be recorded at the Registry of Deeds,

the other to be filed at the municipal office, and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the borderlines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Sufficient copies of the Plan and all accompanying information shall be submitted to the Planning Board for distribution to the Board at least 15 days prior to the next regularly scheduled meeting. Applicant shall also submit one copy (if available) of the approved plan in common digital format.

D. Application Requirements. The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A. §4404 are met.

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's map and Lot numbers.
2. Verification of right, title, or interest in the property.
3. A boundary survey of the parcel, giving complete descriptive data by bearings and distances, prepared and sealed by a professional land surveyor registered in the State of Maine. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. An 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 appropriate sewer district, stating that the district has the capacity to collect and treat the wastewater, shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, 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.
7. An 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 that there is adequate supply and pressure for the subdivision and that the district approves 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 from a public water company, a written statement from the Fire Chief of the Town of Bradley approving the number, size and location of the proposed hydrants and their supply mains.

- c. When water is to be supplied by private wells, the Planning Board may require evidence of adequate ground water supply. This evidence shall be prepared by hydro-geologist familiar with the area and/or evidence from wells on a minimum of three adjacent properties as submitted by a well-driller to be approved by the Planning Board.
 - d. For rural locations the Fire Chief shall provide a statement relative to the availability of water sources such as lakes, ponds, rivers, brooks and holding tanks for fire fighting purposes. In areas where no water supplies are available, the fire department's ability to transport water via tank trucks shall be considered relative to the size, construction type and built-in fire suppression systems of the structures proposed.
- 8. The date the plan was prepared, north arrow, and graphic map scale.
 - 9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.
 - 10. Preexisting conditions including the location of any mines, gravel pits and freshwater wetland areas regardless of size, shall be identified on the survey.
 - 11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at 4 ½' above the ground within areas the developer proposes to clear shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.

12. The location of all rivers, streams, brooks and springs within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. Contour lines at the interval specified by the Board, showing elevations in relation to National Geodetic Vertical Datum (NGVD) (1929).
14. The zoning district in which the proposed subdivision is located and location of any zoning boundaries affecting the subdivision.
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
16. The location, names, and present widths of existing streets and highways, and existing and proposed easements, existing building footprints, 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.
17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
18. The location of any open space to be preserved and a description of proposed improvements and its management.
19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written

evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title and that they will recommend its acceptance to the Town Council shall be included.

20. 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, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan. In areas where the base flood elevation (BFE) has been determined, the applicant shall show through field survey the flood boundary based on an NGVD benchmark.
21. The Board may require a hydro-geologic assessment in cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils.
22. The Board may require an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, current edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant or the Board demonstrates that these sources better reflect local conditions.
23. For subdivisions involving 40 or more parking spaces or projected to generate more than 100 vehicle trips in the peak hour, 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 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.

24. Storm water management provisions, in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection. If the development is within the watershed of a great pond, will not involve grading which changes drainage patterns, and is adding additional impervious surfaces such as roofs and driveways less than 5% of the area of the subdivision, a full Stormwater Management Plan shall be submitted.
25. An erosion and sedimentation control plan prepared in accordance with the Maine Department of Environmental Protections Best Management Practices. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
26. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a critical natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.
27. If the proposed subdivision is in the direct watershed of a great pond, a phosphorus control plan will be required.
 - a. For subdivisions that qualify for the simplified review procedure, the plan shall indicate the location and

dimensions of vegetative buffer strips or infiltration systems. The simplified review may be used for a:

- (1) Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three-lot subdivision or 600 feet for a four-lot subdivision;
- (2) Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three-lot subdivisions or 1,100 feet for four-lot subdivisions; or
- (3) Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface wastewater disposal systems and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

A proposed subdivision that creates lots that could be further subdivided, such that five or more lots may result, shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

b. For subdivisions that do not qualify for the simplified review procedure as described in 27.a above, the following shall be submitted.

- (1) A phosphorus impact analysis and control plan conducted using the procedures set forth in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, September, current edition.

(2) A long-term maintenance plan for all phosphorus control measures.

(3) The contour lines shown on the plan shall be at an interval of no less than five feet.

(4) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

28. The location and method of disposal for land clearing and construction debris and/or the quantity and type of fills to be brought in.

29. New created lots shall be numbered in accordance with the Bradley Addressing Ordinance.

article 7 – preliminary plan for major subdivision

7.1 Procedure.

- A. Within six months after the Sketch Plan Meeting, the applicant shall submit an application for approval of a preliminary plan at least fifteen days prior to a regularly scheduled meeting of the Board. Applications shall be submitted to the Board in care of the Planning Board and an additional copy to the Town Office. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for preliminary plan approval of a Major Subdivision shall be accompanied by a non-refundable application fee payable by check to the Town of Bradley or a copy of receipt as proof of fee payment. **No further action shall be taken until proof of fee payment is submitted.** In addition, the Board upon reviewing the application and finding the need for outside professional assistance, may, at its sole discretion, hire its own civil engineer, soil scientist, geologist or other experts to review the plan submitted by the applicant. The applicant shall deposit an amount determined by the Board in an account with the Town of Bradley in advance of the hiring of such experts to cover this expense. Any balance in the account remaining after the decision on the final plan application by the Planning Board shall be returned to the applicant.
- C. Prior to the meeting at which an application for preliminary plan approval of a Major Subdivision is initially presented, the Planning Board shall:
 - 1. Issue a dated receipt to the applicant.
 - 2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of

the proposed subdivision and including a general description of the project.

3. Notify the Town Clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
- D. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
 - E. A public hearing shall be held within thirty days of the Board's determination that it has received a completed preliminary plan application. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and be published in a newspaper of general circulation in Bradley, at least one time, the date of the first publication to be at least seven days prior to the hearing and posted in the Town Office. For any proposed subdivision lying wholly or partly within the watershed of a public water supply, the appropriate Water Company or its successors shall be notified of the date, time and place of the hearing.
 - F. Within thirty days from the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
 - G. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:
 1. The specific changes which it will require in the final plan;
 2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare;

3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
- H. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

7.2 Submissions.

The preliminary plan application shall consist of the following items.

- A. Application Form.
- B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 1. Existing subdivisions in the proximity of the proposed subdivision.
 2. Locations and names of existing and proposed streets.
 3. Boundaries and designations of zoning districts.
 4. 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.
- C. Preliminary Plan. The preliminary plan shall be submitted in two copies, or a number determined by the Board at the pre-application meeting, 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. In addition, one copy shall be submitted to Code Enforcement Office and on to the Town Clerk. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read.

D. Application Requirements. The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A. § 4404 are met.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
2. Verification of right, title or interest in the property.
3. A boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. An 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 letter from the appropriate sewer district stating the district has the capacity to collect and treat the wastewater shall be provided.

- b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a written statement from the appropriate water district shall be submitted indicating there is adequate supply and pressure for the subdivision.
8. The date the plan was prepared, north arrow, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
10. Preexisting conditions including the location of any mines, gravel pits and wetland areas regardless of size, shall be identified on the survey.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.
12. The location of all rivers, streams, brooks and springs within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. Contour lines at 2' intervals unless directed otherwise by the Board.
14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
16. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
18. The proposed lot lines with approximate dimensions and lot areas. Newly created lots shall be numbered in accordance with the Bradley Addressing Ordinance.
19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
20. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
21. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
22. 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, as depicted on the municipality's Flood Insurance Rate Map shall be delineated on the plan. In areas where the base flood elevation (BFE) has been determined, the applicant shall show through field survey the flood boundary based on an NGVD benchmark.
23. The Board may require a hydro geologic assessment in cases where site considerations or development design indicate greater

potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils.

24. The Board may require an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, current edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant or the Board demonstrates that these sources better reflect local conditions.
25. For subdivisions involving 40 or more parking spaces or projected to generate more than 100 vehicle trips in the peak hour, 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 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.
26. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.
27. If the proposed subdivision is in the direct watershed of a great pond, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the

application shall include a long-term maintenance plan for all phosphorus control measures.

28. Written approval from the Board of Appeals of appeals for variances or special exceptions, if required, and any conditions imposed.

article 8 – final plan for major subdivision

8.1 Procedures.

- A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least fifteen days prior to a scheduled meeting of the Board. Applications shall be submitted to the Board in care of the Planning Board and copied to the Town Office. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

- B. All applications for final plan approval of a major subdivision shall be accompanied by non-refundable application fee per lot or dwelling unit as determined by the Town Council payable by check to the Town of Bradley or a copy of a receipt as proof of fee payment. **NO SUBDIVISIONS WILL BE APPROVED UNLESS ALL APPLICABLE FEES HAVE BEEN PAID AND EVIDENCE OF PAYMENT PROVIDED TO THE PLANNING BOARD.**

- C. Prior to approval of the final plan, the applicant shall provide a list of State and/or Federal approvals to be obtained, such as, but not limited to:

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a wastewater discharge license is needed.
 2. Maine Department of Human Services, if the applicant proposes to provide a public water system.
 3. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.
 4. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- D. The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of the Board's receipt of the plan until the next meeting which the applicant attends.
- E. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- F. A public hearing may be held within thirty days of the Board's determination that it has received a completed Final Plan application. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and be published in a newspaper of general circulation in Bradley, at least one time, the date of the first publication to be at least seven days prior to the hearing and posted at the Town Office. For any proposed subdivision lying wholly or partly within the watershed of a public water supply, the applicable water district or its successors shall be notified of the date, time and place of the hearing.
- G. The Planning Board shall notify the road commissioner, police chief, fire chief, Superintendent or administrator of schools, of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-

family, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.

- H. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 13.
- I. Within thirty days from the public hearing 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, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A. §4404 and the standards of this ordinance. If the Board finds that all the criteria of the statute and the standards of this ordinance have been met, it shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this ordinance has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

8.2 Submissions.

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the borderline on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible Mylar's, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of the plan shall be submitted. The applicant may instead submit one reproducible Mylar original of the final plan and one recording plan with three copies of the final plan. Sufficient copies of the Plan and all accompanying information shall be submitted to the Code Enforcement Officer

for distribution to the Planning Board. Applicant shall also submit one copy of the approved plan common digital format.

The final plan shall include or be accompanied by the following information.

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
- B. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, watercourses, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at 4 ½' above the ground within areas the developer proposes to clear shall be shown on the plan.
- C. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.
- D. An indication of the type of water supply system(s) to be used in the subdivision.
 - 1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a hydrogeologist familiar with the area and/or evidence from wells on a minimum of three adjacent properties.
 - 2. For rural locations, the Fire Chief shall provide a statement relative to the availability of water sources such as lakes, ponds, rivers, and brooks for fire fighting purposes. In areas where no water supplies are available, the fire department's ability to transport water via tank

trucks shall be considered relative to the size, construction type, and built-in fire suppression systems of the structures proposed.

- E. The date the plan was prepared, north arrow, graphic map scale.
- F. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- G. The location of any zoning boundaries affecting the subdivision.
- H. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- I. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- J. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, 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 location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.
- K. A storm water management plan, prepared by a registered professional engineer or "CPESC" (Certified Professional in Erosion and Sedimentation Control, in accordance with the Maine Department of Environmental Protections Best Management Practices. The Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

- L. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- M. The width and location of any streets or public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
- N. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or 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 proposed streets and/or open spaces or other land is to be offered to the Town of Bradley, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title and that they will recommend its acceptance to the Town Meeting shall be included.
- O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan. In areas where the Base Flood Elevation (BFE) has been determined, the applicant shall show through field survey the flood boundary based upon an NGVD benchmark.
- P. If any portion of the proposed subdivision is in the direct watershed of a great pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan:

1. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection (current edition). The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.
 2. A long-term maintenance plan for all phosphorus control measures.
 3. The contour lines shown on the plan shall be at an interval of no less than five feet.
 4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.
- Q. The location and method of disposal for land clearing and construction debris and/or the quantity and type of fill to be brought in.

8.3 Final Approval and Filing.

- A. No plan shall be considered by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the municipality.
- B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A. §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 facts and reasons for any conditions or denial. Any subdivision not recorded in the 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.
- 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, except in accordance with Article 10. The Board shall make findings that the revised plan meets

the criteria of Title 30-A M.R.S.A. §4404, and the standards of 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 institute proceedings to have the plan stricken from the records of the Registry of Deeds.

- D. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality 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 municipality, approval of the plan shall not constitute an acceptance by the municipality 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 municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- E. Except in the case of a phased development plan, failure to complete substantial start of the subdivision within three years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE 9 – REVISIONS TO APPROVED PLANS

9.1 Procedure.

Any applicant for a revision to a previously approved plan shall, at least fifteen days prior to a regularly 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 followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

9.2 Submissions.

The applicant shall submit a copy of the approved plan as well as sufficient copies of the proposed revisions for distribution to the Board. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

9.3 Scope of Review.

The Board's scope of review shall be limited to those portions of the plan that are proposed to be changed and to any consequent impacts of these changes.

article 10 – inspections and enforcement

10.1 Inspection of Required Improvements.

- A. At least five 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 (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
- 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 and specifications filed by the subdivider, (s)he shall so report in writing to the Planning Board, the subdivider and builder. The Code Enforcement Officer shall take any steps necessary to assure compliance with the approved plans.
- C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the Code Enforcement Officer is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Code Enforcement Officer shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Planning Board to modify the plans.
- D. The subdivider shall provide the Planning Board with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.

- E. Upon completion of the street construction and prior to a vote by the Governing Authority, as required by Charter, a written certification signed by a professional engineer shall be submitted to the Town Council, at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of the regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- F. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot owners' association.

10.2 Violations and Enforcement.

- A. No plan of a division of land within the municipality that would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with this ordinance.
- B. A person shall not convey, offer or agree to convey any land in a subdivision that has not been approved by the Board and recorded in the Registry of Deeds.
- C. A person shall not sell, lease or otherwise convey any land in an approved subdivision that is not shown on the plan as a separate lot.
- D. 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 Board.
- E. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings that require a plan approved as provided in these regulations and recorded in the Registry of Deeds.

- F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with this ordinance.
- G. Violations of the above provisions of this section shall be punished in accordance with the provisions of Title 30-A M.R.S.A. §4452.

article 11 – performance standards

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A M.R.S.A., §4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines of Article 12 shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 12 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

11.1 Air or Water Pollution.

- A. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
- B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.
- C. Applicable State and local health and water resource rules and regulations shall be adhered to.

11.2 Water Supply and Availability.

- A. Water Supply.
 - 1. Any subdivision within the area designated in the comprehensive plan for future public water supply service shall make provisions for connection to the public system. When public water supply service will not be available at the time of construction of the subdivision, a

ARTICLE 11 – PERFORMANCE STANDARDS

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A M.R.S.A., §4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines of Article 12 shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 12 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

11.1 Air or Water Pollution.

- A. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
- B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.
- C. Applicable State and local health and water resource rules and regulations shall be adhered to.

11.2 Water Supply and Availability.

- A. Water Supply.
 - 1. Any subdivision within the area designated in the comprehensive plan for future public water supply service shall make provisions for connection to the public system. When public water supply service will not be available at the time of construction of the subdivision, a

“capped system” shall be installed within the subdivision to allow future connection when service becomes available without excavation within the right-of-way of any street within the subdivision.

2. When a subdivision is to be served by a public water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by appropriate water district or its successors and the fire chief.
3. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or Consumers Maine Water Company or its successors.
 - a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
 - b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
 - c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
 - d. In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage

"capped system" shall be installed within the subdivision to allow future connection when service becomes available without excavation within the right-of-way of any street within the subdivision.

2. When a subdivision is to be served by a public water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by appropriate water district or its successors and the fire chief.
3. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or Consumers Maine Water Company or its successors.
 - a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
 - b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
 - c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
 - d. In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage

reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary. The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

B. Water Quality.

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

11.3 Existing Water Supply.

In meeting the standards of Section 11.2.A, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's or company's system as necessary to alleviate existing deficiencies.

11.4 Soil Erosion and Water Holding Capacity of the Land

- A. The proposed subdivision shall prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.
- B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

- C. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

11.5 Highway or Public Road Congestion resulting in Unsafe Conditions

In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

- A. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
- B. Avoid traffic congestion on any street; and
- C. Provide safe and convenient circulation on public streets and within the subdivision.

11.6 Sewage Waste Disposal

A. Public System.

1. Any subdivision within the area designated in the comprehensive plan for future sewage disposal service shall be connected to the public system.
2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
3. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
4. The sewer district shall review and approve the construction drawings for the sewerage system. The size and location of

laterals, collectors, manholes and pump stations shall be reviewed and approved in writing by appropriate providing district.

B. Private Systems.

1. If a subsurface sewage disposal is proposed, the Planning Board shall require that the subdivider provide proof that a subsurface sewage disposal system that is in conformance with the current Maine State Plumbing Code can be installed on every lot.
2. If a sewage disposal system is proposed that will service more than one (1) principal structure (Common Sewage System), a reserve area shall be designated for a replacement system designed by a licensed site evaluator, in the possibility that the initial system should fail. This information shall be recorded with the deed in the Registry of Deeds.
3. Common sewage systems may not be located wholly or partially on individual house lots.
4. If common sewage systems are proposed, the Plan must indicate where replacement systems will be located. Replacement system locations must be preserved with deed restrictions.
5. When common sewage systems serve individual lots, each lot must be serviced by its own treatment (septic) tank.
6. In no instance shall a disposal area be on a site that requires a New System Variance from the Subsurface Wastewater Disposal Rules.

11.7 Solid Waste Disposal

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a

disposal facility that is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

11.8 Scenic or Natural Beauty, Aesthetics, Historic Sites, Significant Wildlife Habitat , Rare and Irreplaceable Natural Areas & Visual Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
2. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.
3. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter at breast height, the replacement of trees and vegetation, and graded contours.
4. When a proposed subdivision street traverses open fields the plans may include the planting of street trees.

B. Retention of Open Spaces and Natural or Historic Features.

1. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.
2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine

Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.

4. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

5. Reserved open space land may be dedicated to the municipality.

C. Protection of Significant Wildlife Habitat.

If any portion of a proposed subdivision lies within:

1. Two hundred fifty (250) feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:

a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;

b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

c. Shorebird nesting, feeding and staging areas and seabird nesting islands; or

2. An area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor; or

3. Other important habitat areas identified in the comprehensive plan including coastal wildlife concentration areas, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports.

D. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

11.9 Conformity with the Subdivision Ordinance, Comprehensive Plan and Land Use Ordinance.

All lots shall meet the minimum dimensional requirements of the Land Use Ordinance for the district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the Land Use Ordinance. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

11.10 Financial and Technical Capacity

A. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability.

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.
2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

11.11 Watersheds and Shorelands

Whenever Situated Entirely or Partially within the Watershed of any Pond or Lake or within 250 feet of any Wetland, Great Pond or River, the Proposed Subdivision will not adversely Affect the Quality of that Body of Water or Unreasonably Affect the Shoreline of that Body of Water.

11.12 Quality and Quantity of Ground Water.

A. Ground Water Quality.

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - a. A map showing the basic soils types.
 - b. The depth to the water table at representative points throughout the subdivision.
 - c. Drainage conditions throughout the subdivision.
 - d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate- nitrogen concentrations at any wells within the subdivision; or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. Subsurface waste water disposal systems and drinking water wells shall be constructed where shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity.

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

11.13 Flood Zones

If the Subdivision, or any Part of it, is in a Flood Prone 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.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

- A. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damages.
- B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously

described. The construction requirement shall also be clearly stated on the plan.

11.14 Freshwater Wetlands

All Freshwater Wetlands within the Proposed Subdivision Shall be Identified on any Maps Submitted at Part of the Application, Regardless of the Size of these Wetlands.

Freshwater wetlands shall be identified in accordance with the Corps of Engineers Wetland Delineation Manual, current edition, published by the United States Army Corps of Engineers.

11.15 Identification of Waterbodies

Any River, Stream or Brook within or Abutting the Proposed Subdivision shall be Identified on any Maps Submitted as Part of the Application.

11.16 Adequate Stormwater Management.

- A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of best management practices such as swales, culverts, under drains, storm drains, buffers, turnouts and level spreaders conforming to Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, current edition. The stormwater management system shall be designed to meet the standards outlined for projects based upon their disturbed and impervious areas. All projects shall meet the Basic Standards Criteria.
- B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.

11.17 Shore Frontage

If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5:1.

11.18 Phosphorus Control

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.

Phosphorus control measures shall meet the design criteria in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, Published by the Maine Department of Environmental Protection, current edition.

11.19 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.

11.20 Timber Harvesting

Timber on the parcel being subdivided shall not have been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the

Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A. section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

article 12 – Design guidelines

This article is intended to provide an example of design guidelines, which if followed will result in meeting the appropriate performance standards of Article 11. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be approved if, and only if, the applicant has provided clear and convincing evidence, in the sole determination of the Board, that the proposed design will meet the performance standard(s) and the statutory criteria of Article 11. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

12.1 Sufficient Water.

A. Well Construction.

1. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or larger, the applicant may prohibit dug wells by deed restrictions and a note on the plan.
2. Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.

B. Fire Protection.

1. Spacing and location of fire hydrants connected to a public water supply system shall be approved by the Fire Chief, but in general shall be 1000' apart and within 500' of the end of a dead-end road.
2. In areas where there is no public water supply, fire ponds/dry hydrants are encouraged and subject to review and approval by the Fire Chief. Upon a recommendation by the Fire Chief, the Board may require an independent engineering feasibility study.

3. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds shall be six inches.
4. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the municipality shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.
5. Dead-end roads in excess of one thousand feet (1000') shall be provided with intermediate turn-around areas, such as "hammer-heads". These areas shall be spaced no more than one thousand feet (1000') apart and at the end, unless the Planning Board, with the advice and consent of the fire chief, grants an exception.

12.2 Traffic Conditions.

A. Access Control.

1. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.
2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.
3. Subdivision Access Design for Subdivisions Entering onto Arterial Streets.

When the access to a subdivision is a street, the street design and construction standards of Section 12.2.B shall be met. Where there is a conflict between the standards in this section and the standards of Section 12.2.B, the stricter or more stringent shall apply.

- a. General. Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the Trip Generation Manual, current edition, published by the Institute of Transportation Engineers.
 - (1) Low Volume Access: An access with 50 vehicle trips per day or less.
 - (2) High Volume Access: Any access with more than 50 vehicle trips per day.
- b. Sight Distances. Minimum sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.
- c. Vertical Alignment. Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet.
- d. Low Volume Accesses.
 - (1) Skew Angle. Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.
 - (2) Curb Radius. The curb radius shall be 15 feet minimum.
- e. High Volume Accesses.
 - (1) Skew Angle. Medium Volume Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90° as site conditions permit, but in no case less than 60°.
 - (2) Curb Radius. Curb radii will vary depending if the access has one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a

preferred radius of 30 feet. On one-way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5-foot radius on the opposite curb.

- (3) Width. On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.

f. Access Location and Spacing.

- (1) Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as much as practical based on site constraints. Minimum corner clearances are listed in Table 12.2-1, based upon access volume and intersection type.

Table 12.2-1. Minimum Standards for Corner Clearance

<u>Access Type</u>	<u>Minimum Corner Clearance (feet)</u>	
	<u>Intersection Signalized</u>	<u>Intersection Un-signalized</u>
Low Volume	150	50
High Volume	150	50

- (2) Access Spacing. Accesses and street intersections shall be separated from adjacent accesses, streets and property lines as indicated in Table 12.2-2, in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line

at the edge of the roadway for access spacing to the property line.

Table 12.2-2. Minimum Access Spacing

<u>Access Type</u>	Minimum Spacing to Property Line ¹	
	(feet)	Medium (feet)
Low Volume	5	
High Volume	10	75

¹ Measured from point of tangency of access to projection of property line on roadway edge.

h. Number of Accesses. The maximum number of accesses on to a single street is controlled by the available site frontage. In addition, the following criteria shall limit the number of accesses independent of frontage length.

- (1) No low volume traffic generator shall have more than one two-way access onto a single roadway.
- (2) No high volume traffic generator shall have more than two two-way accesses onto a single roadway.

i. Construction Materials/Paving.

- (1) All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.
- (2) All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses, regardless of access volume, shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

B. Street Design and Construction Standards.

1. General Requirements.

- a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
- b. Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and cross-section (at 50' intervals) of the proposed streets. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
- (1) Date, scale, and north arrow indicating magnetic or true.
 - (2) Intersections of the proposed street with existing streets.
 - (3) Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs as applicable.
 - (4) 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 proposed drainage ways.
 - (5) Complete curve data shall be indicated for all horizontal and vertical curves.
 - (6) Turning radii at all intersections.
 - (7) Centerline gradients.
 - (8) Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

- c. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.
- d. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan: "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town. To become Town roads, they must meet current municipal street design and construction standards and be accepted by an affirmative vote of the Governing Authority."

2. Street Design Standards.

- a. These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice.
- b. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets as applicable.
- c. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance.

- d. The design standards of Table 12.2-3 shall apply according to street classification.

Table 12.2-3. Street Design Guidelines

Description	Collector	Type of Street		
		Minor	Private Rights-of-Way	Industrial/Commercial
Minimum Right-of-Way Width	66'	50'	50'	66'
Minimum Traveled Way Width	24'	20'	18'	30'
Minimum Width of Shoulders (each side)	3'	3'	1'	9'
Sidewalk Width	5'	5'	N/A	8'
Minimum Grade	0.5%	0.5%	N/A	0.5%
Maximum Grade	10%	10%	12%	5%
Minimum Centerline Radius without superelevation with superelevation	Radii should meet current AASHTO design standards Radii should meet current AASHTO design standards			
Roadway Crown ¹	1/4"/ft	1/4"/ft	1/4"/ft	1/4"/ft
Minimum Angle of Street Intersections ²	60°	60°	60°	90°
Maximum Grade within 75 ft. of the Stopped Approach of the Intersection	3%	3%	3%	3%
Minimum Curb Radii at Intersections	25'	20'	N/A	30'
Minimum R/O/W Radii at Intersections	10'	10'	10'	10'

¹ Roadway crown is per foot of lane width.

² Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

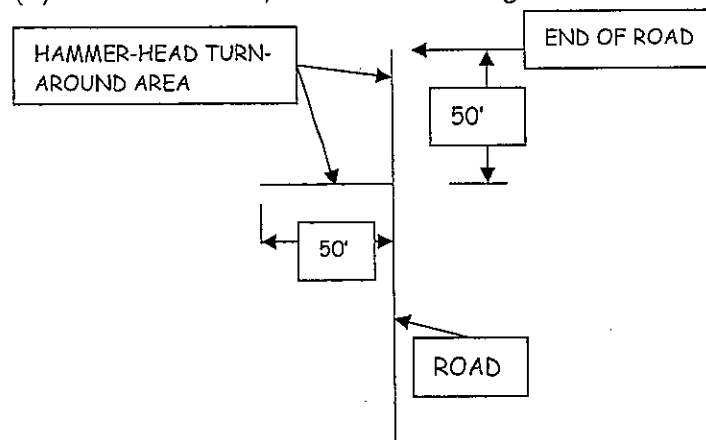
- e. Dead-end Streets. In addition to the design standards in Table 12.2-3, dead-end streets shall be constructed to provide a cul-de-sac or large vehicle turn-around with the following dimensions:

- (1) Radius to boundary 80'
- (2) Radius, inside pavement 40'
- (3) Radius, outside pavement 65'

Where the cul-de-sac is in a wooded area prior to development, a stand of trees may be maintained within the center of the cul-de-sac. The Board may also require the reservation of a 50-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

-OR instead of (1), (2) & (3), above, the Board may approve:

- (4) Hammer-head, with the following dimensions:



Maximum Length between hydrants, dry hydrants or other approved water sources for fire fighting: 1,000 feet.

- f. 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 above.
- (2) All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>
Stopping Sight Distance (ft.)	125	150	200	250

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

- (3) Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/4 feet above the pavement.

Posted Speed Limit (mph)	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>45</u>	<u>50</u>	<u>55</u>
Sight Distance (ft.)	250	300	350	400	450	500	550

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

- (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 minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

3. Street Construction Standards.

- a. The minimum thickness of material after compaction shall meet the specifications in Table 12.2-4.

Table 12.2-4. Minimum Pavement Materials Thicknesses

Street Materials	Type of Street		
	Collector	minor	Private Rights-of-Way
Aggregate Subbase Course ¹ (maximum sized stone 6")			
Base Gravel	18"	18"	15"
Crushed Aggregate Base (necessary)	3"	3"	3"
Hot Bituminous Pavement			
Total Thickness	3"	3"	N/A
Surface Course	1"	1"	N/A
Base Course	2"	2"	N/A
Surface Gravel	N/A	N/A	3"
¹ The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation.			

b. Preparation.

- (1) Before any clearing has started on the right-of-way, the centerline and sidelines of the new road shall be staked or flagged at 50-foot intervals.
- (2) Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways and utilities shall be cleared of all stumps, roots, brush and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
- (3) All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the

specifications for gravel aggregate sub-base, or a Maine Department of Transportation approved stabilization geotextile may be used.

- (4) Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.
- (5) All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

c. Bases and Pavement.

(1) Bases/Subbase.

- (a) The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation.

- (2) Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

(3) Pavements.

- (a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more

than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

(b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed provided the air temperature in the shade at the paving location is 50°F or higher.

(4) Surface Gravel. Private Rights-of-Way need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two inches in size and meet the grading requirements of Table 12.2-7.

Table 12.2-7. Surface Gravel Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
2 inch	95-100%
1/2 inch	30-65%
No. 200	7-12%

12.3 Impact

Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

Unless located in areas designated as a growth area in the comprehensive plan, a subdivision in which the land cover type at the

time of application is forested shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.

B. Retention of Open Spaces and Natural or Historic Features.

1. The subdivision shall reserve between 5% and 10% of the area of the subdivision as open space to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the needs identified in the comprehensive plan.
2. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas.

The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site-specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat or resources identified in Section 11.8.C.

1. Protection of Habitat of Endangered or Threatened Species.
 - a. Habitat of species appearing on the official state or federal lists of endangered or threatened species shall be designated as open space (areas to remain undeveloped).
 - b. Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal

of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.

2. Protection of Waterfowl, Shorebird, and Wading Bird Habitat, as identified by the Department of Inland Fisheries and Wildlife.
 - a. There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:
 - (1) Shorebird nesting, feeding and staging areas;
 - (2) High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas; or
 - (3) Other important habitat areas identified in the comprehensive plan.
3. Protection of Deer Wintering Areas. The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas as identified by the Department of Inland Fisheries and Wildlife.
4. Subdivisions in the Shoreland Zone shall meet the standards of that Zone in Section 1400 of the Land Use Ordinance of the Town of Bradley.

12.4 Storm Water Management Design Guidelines.

A. Design of best management practices shall be substantially equivalent to those described in the Storm Water Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, current edition.

Driveway culvert requirements and installation shall be governed by the most recent Town of Bradley Culvert Ordinance.

B. The minimum pipe size for any storm drainage pipe shall be (12) twelve inches, unless specified by a professional engineer. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

C. Catch Basins shall be installed where necessary, and when located within a street shall be located at the curb line.

D. . Storm Drainage Construction Standards.

1. Materials.

a. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications.

b. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a 50-year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC) pipe, and corrugated aluminum alloy pipe.

c. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.

2. Pipe Gauges. Metallic storm drainage pipe shall meet the thickness requirements of Table 12.4-1, depending on pipe diameter:

Table 12.4-1. Culvert Specifications

<u>Inside Diameter</u>	Galvanized CMP	Aluminum Coated CMP
	<u>Aluminum/Zinc Coated CMP</u> <u>Corrugated Aluminum Alloy</u>	<u>Polymer Coated CMP</u>
18" to 24"	14 ga.	16 ga.
30" to 36"	12 ga.	14 ga.
42" to 54"	10 ga.	12 ga.
60" to 72"	8 ga.	10 ga.

3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Public Works Director.
 4. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a between 250 and 300 foot intervals.
- E. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

12.5 Lots.

- A. The Board shall not approve for development such portions of any proposed subdivision that are:
1. Shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
 2. Unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
 - a. slopes greater than 25%
 - b. wetland soils.
 3. Subject to rights of way.

4. Located in the resource protection zone.
 5. Covered by surface waters.
 6. Utilized for storm water management facilities.
- B. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulations and conditions placed on the original approval.
- C. If land on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
- D. The ratio of lot length to width shall not be more than 5:1. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- E. For subdivisions lying wholly or partly within the watershed of any great pond, the Erosion and Sediment Control Plan shall specify those portions of the lots that may be graded or built upon. No building shall be placed within 100 feet of the normal high water mark of any great pond, or any perennial watercourse draining into a great pond.

12.6 Monuments.

- A. Monuments shall be set no further than 750 feet apart along street lines without curves or intersections.
- B. Monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.
- C. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable

monumentation, as required by the Maine Board of Licensure for Professional Land Surveyors.

12.7 Cluster Developments.

Cluster Developments shall conform to the standards of the duly adopted Land Use Ordinance of the Town of Bradley and be consistent with the purposes of the Comprehensive Plan of the Town.

12.8 Phosphorus Export.

When a proposed subdivision is within the watershed of a great pond, phosphorus control measures shall meet the design criteria in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, current edition.

Simplified Phosphorus Review may be used for:

- A. A proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three-lot subdivision or 600 feet for a four-lot subdivision;
- B. A proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three-lot subdivisions or 1,100 feet for four-lot subdivisions; or
- C. A proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building, parking, driveway, lawn, subsurface wastewater disposal systems and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

A proposed subdivision that creates lots that could be further subdivided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

ARTICLE 13 – PERFORMANCE GUARANTEES

13.1 Types of Guarantees.

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees in an amount equal to 125% of the total construction costs of all required improvements:

A. Either a certified check payable to the Town of Bradley or a savings account or certificate of deposit naming the Town of Bradley as owner, for the establishment of an escrow account;

B. A performance bond payable to the Town of Bradley issued by a surety company, approved by the Planning Board and the Town Manager;

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town of Bradley may draw if construction is inadequate, approved by the Planning Board and the Town Manager.

The conditions and amount of the performance guarantee shall be determined by the Town Manager in consultation with the appropriate professionals as determined.

13.2 Contents of Guarantee.

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

13.3 Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town of Bradley, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any

account opened by the applicant, the Town of Bradley shall be named as owner or co-owner, and the consent of the Town of Bradley shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the Town of Bradley has found it necessary to draw on the account.

13.4 Performance Bond

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

13.5 Letter of Credit

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

13.6 Phasing of Development

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street that is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

13.7 Release of Guarantee

Prior to the release of any part of the performance guarantee, the Town Manager shall determine to his/her satisfaction, in part upon the report of the Planning Board or other qualified individual retained by the Town of Bradley, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

13.8 Default.

If upon inspection, the Public Works Director or other qualified individuals retained by the Town of Bradley 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 or she shall so report in writing to the Planning Board and the applicant or builder. The Town Manager shall take any steps necessary to preserve the rights of the Town of Bradley.

13.9 Improvements Guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of this ordinance and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

ARTICLE 14 – WAIVERS

14.1 Waivers Authorized.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in this ordinance, provided the applicant has demonstrated that the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the land use ordinance, or this ordinance.

14.2 Findings of Fact Required.

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the land use ordinance, or this ordinance, and further provided the performance standards of this ordinance and the criteria of the subdivision statutes have been or will be met by the proposed subdivision.

14.3 Conditions.

Waivers may only be granted in accordance with Sections 14.1 and 14.2. When granting waivers, the Board shall set conditions so that the purposes of this ordinance are met.

14.4 Waivers to be Shown on Final Plan.

When the Board grants a waiver to any of the improvements required by this ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

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