

2018

Town of Dedham Maine Ordinances

Dedham, Me.

Follow this and additional works at: <https://digitalcommons.library.umaine.edu/towndocs>

Repository Citation

Dedham, Me., "Town of Dedham Maine Ordinances" (2018). *Maine Town Documents*. 6711.
<https://digitalcommons.library.umaine.edu/towndocs/6711>

This Plan is brought to you for free and open access by DigitalCommons@UMaine. It has been accepted for inclusion in Maine Town Documents by an authorized administrator of DigitalCommons@UMaine. For more information, please contact um.library.technical.services@maine.edu.

Town of Dedham
Consumer Fireworks Use Ordinance
Adopted at the Dedham Town Meeting on Saturday, June 13, 2015

The Town of Dedham hereby ordains that the following Ordinance be enacted.

Section 1. Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution, Title 8, Section 223-A and Title 30-A, Section 3001, of the Maine Revised Statutes (M.R.S.).

Section 2: Purpose

The purpose of this Ordinance is to regulate the use of consumer fireworks within specified times in order to allow quiet time during the week without having to totally restrict the use of fireworks within the Town of Dedham. It also sets criteria for use of consumer fireworks based on Fire Danger levels.

Section 3: Applicability

This Ordinance shall apply to any person involved in the use of consumer fireworks within the Town of Dedham. For the purposes of this Ordinance, the term “person” shall mean any individual, or combination of individuals engaged in the use of consumer fireworks and the term “consumer fireworks” shall be defined in Title 8 M.R.S. Section 221-A, as may be amended from time to time.

Section 4: Conflict with Other Rules, Regulations or Laws

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted Federal, State, or local ordinance the requirements of the most restrictive or higher standard shall govern, unless the provisions of the local ordinance are preempted by Federal or State law or regulations.

Section 5: Severability

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, sub-section, or other portion of this Ordinance. To that end, the provisions of this Ordinance are hereby declared to be severable.

Section 6: Legal Times to Discharge Consumer Fireworks

Pursuant to Title 8 M.R.S. Section 223-A(2), the Town of Dedham hereby restricts the use of consumer fireworks and has established the following hours for use:

- Fridays and Saturdays from 6.00pm until 10.00pm, and
- New Year’s Eve, July 3 and 4, and Christmas Eve from 6.00pm until 12.00am.

Section 7: Fire Danger Periods

There are times when weather conditions that greatly increase the potential for consumer fireworks to start a fire. In an effort to decrease the danger to our community, the use of consumer fireworks is prohibited during the periods that the fire danger is a Class 4 or Class 5.

Each person wishing to use consumer fireworks shall be responsible for verifying the fire danger level with the Dedham-Lucerne Fire Department, Town Office, or searching for Wildfire Danger Report on maine.gov.

Section 8: Fireworks Debris

LD 459, An Act to Protect the Environment from Fireworks Debris, adds debris from the discharge of consumer fireworks to the definition of "litter" under the Maine Litter Control Act. The chemicals in fireworks are harmful to the environment, especially when used near water.

Each person wishing to use consumer fireworks shall be responsible for picking up and properly disposing of the debris left over from the discharge of consumer fireworks. Failure to clean up and dispose of fireworks debris is a civil violation under Maine's Litter Control Act and a fine of not less than \$100 and not more than \$500 may be adjudged.

Section 9: Penalties and Enforcement

Enforcement and penalties pursuant to M.R.S. Title 8 Section 9-A.

Section 10: Effective Date

This Ordinance shall become effective on the date of adoption by the voters of the Town of Dedham.

Town of Dedham
Ordinance

- | | | |
|----|--|----------------------------|
| A. | Title: | Mobile Home Park Ordinance |
| B. | Author: | Planning Board |
| C. | Date approved by the
Legislative body | June 17, 2006 |
| D. | Date amended by the
Legislative body | |
| E. | Responsible for review: | Planning Board |
| F. | Narrative | |

ARTICLE I - Definitions

With regard to Title 30A, MRSA Section 4358-1, and for the purpose of this Ordinance, the following words and phrases shall, unless the context otherwise indicates, have the following meanings:

- **Manufactured/Mobile Home**, hereinafter means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development (HUD) standards, meaning structures transportable in one or more sections, which in the traveling mode are fourteen (14) body feet or more in width and are seven hundred and fifty (750) square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air-conditioning &/or electrical systems contained in the unit. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing and Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.
- **Mobile Home Park** shall mean a parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes which are owned either by the owner of the land or others.
- **Mobile Home Park Lot** shall mean the land on which an individual home and any appurtenant structures or additions, is situated within a mobile home park and

which is reserved for use by the occupants of that home. Such lots shall be designated on the plan for a mobile home park.

- **Mobile Home Subdivision or Development** means a parcel of land approved by the Planning Board under Subsection 4401 of Title 30-A MRSA, for the placement of manufactured homes on individually owned lots. All Mobile Home Parks shall be reviewed under the Town of Dedham (Town) Subdivision Ordinance.
- **Building Permit** shall mean a written permit issued by the Code Enforcement Officer (CEO) permitting construction or alteration of a mobile home park.
- **License** shall mean a written authorization issued by the Town's Board of Selectmen or the Town Clerk allowing operation of a mobile home park.
- **"Pitched, shingled roof"** means a roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units or measurement and which is covered with asphalt or Fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.
- **"Shall"** means that which is required, mandatory, the only acceptable method under this Ordinance.
- **"Should"** means a term used to reflect the more preferable procedure, yet providing for the use of effective alternatives.
- **Person** shall be construed to include an individual person, partnership, firm, company, corporation, owner, lessor, lessee or their agents.

ARTICLE II - PERMITS

- It shall be unlawful for any person to construct or alter a mobile home park as defined in this Ordinance unless such person shall first have obtained a Construction Permit from the CEO as hereinafter provided. It shall also be unlawful for any person to operate a mobile home park as defined by this Ordinance unless such person shall first have obtained a License from the Town Selectmen or Town Clerk as hereinafter provided.
- An application for a mobile home park Construction Permit shall be filed with the CEO. Such application shall be in writing and signed by the applicant and shall contain the following, when applicable:
 - Plans prepared by an engineer or land surveyor registered in the State of Maine which include the following information:
 - Name and address of applicant;
 - Name or title of mobile home park;
 - Area and dimensions of the tract of land;
 - Scale, date, direction of magnetic north;
 - Location, ground floor area and elevation of existing and proposed buildings and other structures, including use thereof;
 - Number, size and location of all mobile home sites;
 - Name(s) of abutting owners;
 - Name, location, width, profile, radius of all curves of all existing and proposed streets, roads or other right-of-ways;

- Location and arrangement of proposed off-street parking and load-areas and their appurtenant drives and maneuvering areas;
 - Location of features, natural and man-made, affecting the park such as water bodies, streams, swamps, wooded area, railroads, ditches, buildings, etc.;
 - Location of all underground utilities
 - Kind, location and profile of all existing and proposed drainage;
 - Location and proposed uses of area proposed for outdoor recreation;
 - Contour lines at intervals of twenty (20) feet or less of existing grades for areas proposed to be excavated or filled;
 - Location of existing and proposed pedestrian walkways;
 - Location of existing natural drain ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.;
 - Location of existing and proposed fences, hedges, etc.
- An on-site soils investigation by a Department of Health & Human Services (DHHS) licensed site evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical sub-surface disposal system for the site.
- Evidence that the Maine DHHS, Division of Health Engineering, has been provided with copies of the plan and all other submittals.
- The applicant shall pay to the CEO an application fee as set forth in the Town's fee policy ADM 1 which shall be in payment for advertising fees and all notices of public hearings, as well as other cost incurred by the Town in processing of said application.
- Code Enforcement Officer, after determining that the provisions of Sections 2 and 3 of this Article have been met, shall:
 - Notify the Local Plumbing Inspector (LPI), Chief of the Fire Department and the Road Commissioner of such application and request each of these officials to make a recommendation in writing as to the feasibility of any such mobile home park with respect to the areas of their responsibilities.
 - Refer the application to the Town's Planning Board which shall forthwith set the matter for a public hearing to be held after notice of such application has been published in a newspaper of general circulation and after persons whose property abuts the proposed mobile home park are notified in writing of the time, date and place of the public hearing. The Planning Board, within thirty (30) days after such hearing, shall make its written recommendations to the Board of Selectmen, which shall include the Planning Board's determination of the following:
 - If the proposed mobile home park is in a location suitable for such park as determined with reference to the zoning ordinance.
 - If the street and road patterns in the proposed park are adequate for the use intended and for ingress and egress for the protection of the park inhabitants, their property, and the public;

- If the proposed mobile home park shall otherwise meet the requirements of good planning as determined under the laws of the State of Maine and the decisions of its courts.
- The Planning Board, upon determining that all of the requirements of this Article, as hereinbefore provided, shall make their determination whether the proposed mobile home park meets the requirements of this Ordinance and all other ordinances of the Town and shall thereafter, based upon this determination, grant or withhold final approval of the said application and if approved cause the CEO to issue a Construction Permit for the construction of said mobile home park.

The CEO or Planning Board may request the applicant to provide any studies deemed necessary or advisable to protect and assure the health, safety and welfare of persons affected by the mobile home park, including future occupants of the same.

- The applicant thereafter shall notify the CEO of the completion of said park under his Construction Permit and request a certificate of completeness.
- Upon receipt of the determination of completion request, the CEO shall determine whether or not a certificate of completeness shall be issued and upon a favorable final determination, issue said certificate to the applicant for the proposed mobile home park.
- In addition to the Certificate provided for above, the owner(s) of a mobile home park shall annually, on or before April 1st, apply for a License from the Town Clerk to continue to operate a mobile home park and before issuing said License, the Town Clerk shall refer the application to the Fire Chief and CEO for their approvals. In the event that any of said officials should fail to issue an approval, he/she must state reasons for same in writing to the Town Clerk who shall also refuse to grant said license. Failure on the part of any of said officials to grant or deny approval of License within thirty (30) days of the application being filed with the Town Clerk shall constitute renewal of the License. The applicant may, within ten (10) days of a denial, appeal to the Board of Selectmen who shall review said application and either grant or deny it. In granting or denying renewals of a License, said officials, including the Board of Selectmen, shall determine whether the mobile home park is being operated pursuant to the provisions of this Ordinance and the laws of the State of Maine applicable thereto.

A fee as set forth in the Town's Fee Policy (ADM 14) shall be paid to the Town Clerk with the application for annual renewal of said License.

Failure to renew a license shall constitute a violation under this ordinance.

- No mobile home park existing at the time of the effective date of this Ordinance shall be altered in any way except in compliance with the provisions of this Ordinance. All mobile home park owners shall apply for an annual renewal of License as mentioned in the section above whether the parks in question are new or existing prior to the effective date of this Ordinance.

- Any License or Construction Permit authorized by this Ordinance for a mobile home park may be revoked or suspended by the CEO after notice to the owner. Said revocation or suspension shall be based upon failure of the owner to comply with the provisions of this Ordinance or any State Statute or Regulation applicable to same and the CEO shall give a written decision setting forth the reasons for revocation or suspension. Notification must be made in writing and delivered by certified mail
- No manufactured home shall be located anywhere in the Town without certification of payment of Maine State sales or use tax or exemption therefrom.

ARTICLE III - Location, Site and General Layout

- **Density & lot size:** The minimum lot area for lots served by individual subsurface sewage disposal systems shall be twenty thousand (20,000) square feet and the minimum lot width, one hundred (100) feet. The minimum lot areas for lots served by a central subsurface sewage disposal system shall be twelve thousand (12,000) square feet and the minimum lot width, seventy-five (75) feet.

The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per twenty thousand (20,000) square feet of total park area. All sites or spaces shall abut a park street or road.

Off-road parking shall be adequate for two (2) vehicles per site or space.

Sites or spaces shall be clearly defined and manufactured homes shall be parked on such sites or spaces so that there will be a minimum of thirty (30) feet between the lived-in portion of said manufactured homes and so that the lived-in portion of no manufactured home will be less than twenty-five (25) feet from the exterior boundary line of the mobile home park.

Lots within the Shoreland zoning district shall meet the lot area, lot width, setback and shore frontage requirements of the district.

- **Setback requirements.** The lived-in portion of a manufactured home shall not be located closer than fifteen (15) feet from any park street or road, nor forty (40) feet from any public street or highway right-of-way line.
- **Manufactured home site or space availability required.** No manufactured home shall remain in a mobile home park unless placed on a mobile home site or space.
- **Roadways.** For fire prevention and protection, every mobile home park shall have access to a public street by directly abutting thereon or by means of a private, well-kept road, which shall:
 - Be built according to acceptable engineering standards and with a professional engineer's seal as required by the Manufactured Housing Board;
 - Have a right-of way of a minimum of twenty-three (23) feet in width;

- Conform to reasonable safety standards applicable to intersections with public ways adjacent to the mobile home park.

The roadways in a mobile home park shall have adequate lighting facilities. Each manufactured home shall have access to such a road. Any dead-end road shall be constructed with a cul-de-sac with a radius of fifty (50) feet. All roads shall be provided with a smooth, hard and dense surface which shall be durable and well-drained under normal use and weather conditions. Roads shall be maintained and retained by the licensee.

ARTICLE IV - Sanitation

- **Water Supply Requirements.** An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park, capable of furnishing a minimum of one hundred fifty (150) gallons per day per manufactured home site or space.
- **Sewage Disposal.** Mobile home parks shall be served by a private disposal system which has been approved by the DHHS of the State of Maine and the LPI. Each manufactured home site or space shall be provided with a satisfactory sewer connection.
- **Refuse and Garbage Disposal.** The storage, collection and disposal of refuse in the park shall not create health hazards, rodent harborage, insect breeding area, accident hazards or air pollution. All refuse and garbage shall be stored in fly-tight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Satisfactory container racks or holders shall be provided by the mobile home park owner or operator and shall be located not more than one hundred fifty (150) feet from any manufactured home site or space. There shall be regularly scheduled collection of all refuse and garbage. Costs for collection and disposal will be the responsibility of the park owner.

ARTICLE V - Electricity

- The park electrical system or electrical equipment shall comply with applicable state standards and regulations.

ARTICLE VI – Public Safety

- The Fire Chief and appropriate law enforcement official will provide a review of the plans concerning access for emergency equipment to mobile home parks.
- Manufactured home and service buildings shall be placed so that fire equipment can approach within one hundred (100) feet.

ARTICLE VII - Register

- The owner or operator of every mobile home park shall maintain a register in which shall be written the true name of every occupant renting a manufactured home site or space. The owner or operator shall write opposite each name the space or site assigned to the occupant. The foregoing information shall be made available to any agent of the DHHS, the representative of any law enforcement agency, or any authorized person inspecting the park.

ARTICLE VIII - Penalties

- Any person who violates any provision of this Ordinance upon conviction shall be guilty of a civil violation subject to a minimum fine of \$100.00 and up to a maximum fine of \$2,500 for each violation. Each day which a violation continues shall constitute a separate offense.

Town of Dedham Ordinance

A.	Title:	Organized Special Event
B.	Author:	Planning Board
C.	Date approved by the Legislative body	June 17, 2006
D.	Date amended by the Legislative body	
E.	Responsible for review:	Planning Board
F.	Narrative	

ARTICLE I - Definitions

- **Applicant** shall be construed to include an individual person, partnership, firm, company, corporation, group, organization, owner, lessor, lessee, or their agents.
- **Event permit** shall mean a written permit issued by the Code Enforcement Officer (CEO) permitting the event and listing any requirements &/or restrictions.
- **“Shall”** means that which is required, mandatory, the only acceptable method under this Ordinance.
- **“Should”** means a term used to reflect the more preferable procedure, yet providing for the use of effective alternatives.
- **Person** shall be construed to include an individual person, partnership, firm, company, corporation, group, organization, owner, lessor, lessee, or their agents.

ARTICLE II – Preamble

The inhabitants of the Town of Dedham are concerned about the serious public health and safety problems which may result when crowds assemble for any organized and unorganized events. Such assemblages may lead to serious problems involving public health and safety matters relating to waste disposal, potable water, first aid, obstruction and damages to roads and highways, violation of alcohol and controlled substance laws, and destruction of both public and private property. The following ordinance is hereby adopted in the interest of promoting the general welfare, public health, and providing for public safety.

ARTICLE III – Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with provisions of 30AMRSA §3001.

ARTICLE IV – Permits

- **Activities requiring permits** - no person shall exhibit, sponsor, hold, promote, or operate any pageant, amusement show, theatrical performance, or other organized public

assemblage where attendance exceeds available off-street parking without procuring a permit from the CEO.

- Parties or other gatherings at private homes are excluded from this requirement. However, these private gatherings are not exempt from the regulations listed in the Town's parking ordinance.
- Activities sponsored by the Town of Dedham and public assemblies for purposes of town government are expressly excluded from the permitting requirement of this ordinance.
- Activities of the Dedham School or Holbrook Recreation Committee are not excluded from the permitting requirement of this ordinance.
 - An athletic season event permit may be issued upon submission of a game schedule.
- **License request deadline:** any person seeking issuance of a special event permit must make a request to the CEO no later than thirty (30) days prior to the event.
- **Fees** – Permit fees will be set by the Board of Selectmen in accordance with Policy ADM-14
- **Contents of request & standards of issuance** – no license shall be granted unless the applicant satisfies the CEO and Fire Chief that proper facilities will be available for the proposed event in the area to be used and that adequate precautions have been taken to ensure the public health and safety of attendees and the general public. The CEO shall issue a permit to the applicant for an event that he/she determines that the applicant complies with and has the ability to comply with following standards, considering the size, duration, and nature of the proposed event:
 - That adequate supplies of potable water shall be available and reasonably spaced throughout the area;
 - That adequate toilet facilities shall be provided;
 - That the area to be used is adequately equipped with containers for disposal of solid waste and garbage and that provisions are made for the removal and disposal of such waste and garbage;
 - That adequate first aid facilities shall be provided;
 - That adequate parking facilities are available in the area in which the event is to be held or reasonable alternatives for the delivery of participants;
 - That the event will not impair the safe and orderly flow of traffic on public ways;
 - Any additional requirements reasonable necessary for the CEO and Fire Chief to find that the applicant shall continue to comply with the standards set forth above for the issuance of the permit as of the date of the event.

The applicant shall furnish a plan showing the size and location of the area to be used with designated locations for drinking water, toilet and washing facilities, waste containers, first aid facilities, and available parking.

The CEO &/or Fire Chief may attach conditions to any permit issued hereunder as are reasonably necessary to the applicant's compliance with this ordinance and enforcement

of this ordinance including, but not limited to, a requirement that the applicant hires security &/or traffic control for the event.

- **Surety bond** - In the event that the CEO determines that a surety bond is necessary to assure the applicant's compliance with the standards and conditions of the issuance of the permit, the applicant may be required to furnish a surety bond acceptable to the municipal officers insuring that the grounds will be cleared of waste and that any damage to public or private property in the area arising out of, or in connection with, the event is promptly corrected or compensated for.
- **Private land owner authority** – In the event that private property is to be used in connection with such event, the applicant shall file with the CEO adequate proof that the applicant has authority from the landowner upon which it is to be held to use his property.
- **Duties of the applicant**
 - The applicant shall comply with all conditions of any permit issued hereunder and with all applicable local, state, and Federal laws and ordinances.
 - The applicant or its designated agent shall make available to the CEO, Fire Chief, or any law enforcement officer any permit issued hereunder during the entire course of the event.

ARTICLE V – REVOCATION

The CEO shall have the authority to revoke any permit issued hereunder in consequence of a violation of any conditions of the permit or any noncompliance with the standards for issuance of a permit.

ARTICLE VI – FINES/PENALTIES

Any person who violates any provision of this Ordinance upon conviction shall be guilty of a civil violation subject to a minimum fine of \$ 100.00 and up to a maximum fine of \$ 2,500 for each violation. Each day which a violation continues shall constitute a separate offense.

ARTICLE VII – SEVERABILITY

Each part of this ordinance is severable and if any phrase, clause, sentence, or provision is declared to be contrary to law, the validity of the remainder shall not be affected thereby unless the application of any remaining portion of the ordinance would result in action being taken which is inconsistent with the objectives of this ordinance.

ARTICLE VIII – EFFECTIVE DATE

This ordinance shall take full force and effect on the date of enactment of this ordinance at the Town Meeting of the Town of Dedham.

Town of Dedham

SUBDIVISION ORDINANCE

June 14, 2003

TABLE OF CONTENTS

SECTION	PAGE
SECTION I: GENERAL PROVISIONS	1
A. TITLE	1
B. AUTHORITY	1
C. APPLICABILITY	1
D. CONFLICT WITH OTHER ORDINANCES	1
E. SUPERSEDURE	1
F. SEPARABILITY	1
G. AMENDMENTS	1
1. INITIATION	1
2. PROCESS OF ADOPTION	2
H. EFFECTIVE DATE	2
SECTION II: PURPOSES	3
A. PROTECT GENRAL WELFARE	3
B. PROTECT ENVIRONMENT	3
C. PROMOTE COMMUNITY DEVELOPMENT	3
D. BALANCE PROPERTY RIGHTS	3
E. REDUCE FISCAL IMPACT	3
F. ESTABLISH PROCEDURES AND STANDARDS	3
SECTION III: ADMINISTRATION	4
A. ADMINISTRATION BODY	4
B. APPROVAL REQUIRED	4
C. PERMITS TO BE APPLIED FOR BEFORE APPROVAL	4
D. COMMENCENMENT AND COMPLETION OF WORK	4
E. CERTIFICATE OF CONSTRUCTION REQUIRED	4
F. CONDITONS OF APPROVAL	4
G. PUBLIC HEARINGS	5
SECTION IV: CRITERIA OF APPROVAL	6
A. POLLUTION	6
B. SUFFICIENT WATER SUPPLY	6
C. MUNICIPAL WATER SUPPLY	6
D. EROSION	6
E. TRAFFIC	6
F. SEWAGE DISPOSAL	6
G. MINICIPAL SOLID WASTE`	6
H. AESTHETIC, CULTURAL AND NATURAL VALUES	6
I. CONFOMITY WITH LOCAL ORDINANCES AND PLANS	7
J. FINANCIAL AND TECHNICAL CAPACITY	7
K. SURFACE WATERS	7
L. GROUND WATER	7
M. FLOOD AREAS	7
N. FRESHWATER WETLANDS	7
O. RIVER, STREAM OR BROOK	7
P. STORM WATER	7
Q. STATE SUBDIVISION LAW CRITERIA	7
R. WRITTEN FINDINGS OF FACT REQUIRED	8
S. BURDEN OF PROOF	8
SECTION V: VIOLATIONS AND ENFORCEMENT	9
A. RECORDING OF SUBDIVISION PLAN WITHOUT PRIOR APPROVAL PROHIBITED	9
B. CONVEYANCE WITHOUT RECORDING PROHIBITED	9
C. CONVEYANCE OF LOTS NOT SHOWN ON FINAL PLAN PROHIBITED	9

TABLE OF CONTENTS

SECTION	PAGE
D. CONVEYANCE WITHOUT APPROVAL PROHIBITED	9
E. UTILITY HOOKUPS PRIOR TO APPROVAL PROHIBITED	9
F. DEVELOPMENT PRIOR TO APPROVAL PROHIBITED	9
G. ROAD COMPLETION PRIOR TO CONVEYANCE REQUIRED	9
H. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL	10
I. FAILURE TO PAY	10
J. OWNER RESPONSIBLE FOR OFF-SITE SEDIMENTATION	10
K. NUISANCES	10
L. CODE ENFORCEMENT OFFICER	10
M. LEGAL ACTIONS	10
N. FINES	10
O. CONTRACTOR LIABILITY	10
SECTION VI: APPEAL TO SUPERIOR COURT	11
SECTION VII: ADMINISTRATIVE PROCEDURES	12
A. AGENDA REQUIRED	12
B. APPROVAL REQUIRED	12
C. AGENDA MAY BE LIMITED	12
SECTION VIII: PRE-APPLICATION CONFERENCE/SKETCH PLAN REVIEW	13
A. GENERAL	13
B. PROCEDURE	
STEP 1: ADVANCE REQUEST TO BE PLACED ON AGENDA REQUIRED	13
STEP 2: CEO REVIEW OF SUBMISSIONS FOR COMPLETENESS	13
STEP 3: PLANNING BOARD REVIEW OF SKETCH PLAN AND EXHIBITS	13
STEP 4: CLASSIFICATION OF SUBDIVISION	13
STEP 5: CONTOUR INTERVALS ESTABLISHED	13
STEP 6: ON-SITE INSPECTION DATE SET	13
C. SUBMISSION PACKET	14
1. SKETCH PLAN	14
2. EXHIBITS TO ACCOMPANY SKETCH PLAN	14
D. RIGHTS NOT VESTED	14
SECTION IX: SUBDIVISION REVIEW PROCESS: MINOR SUBDIVISIONS	15
A. MINOR SUBDIVISIONS MAY HAVE TO COMPLY WITH MAJOR SUBDIVISION REQUIREMENTS	15
B. SUBMISSION PACKET	15
1. APPLICATION AND EXHIBITS	15
2. FINAL SUBDIVISION PLAN	15
3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT	15
C. PROCEDURE	15
STEP 1: REQUEST FOR FINAL PLAN REVIEW	15
STEP 2: CEO REVIEWS SUBMISSION PACKET FOR COMPLETENESS	15
STEP 3: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY	16
STEP 4: PLANNING BOARD REVIEWS FINAL PLAN AND APPLICATION	16
STEP 5: FINAL PLAN PUBLIC HEARING	16
STEP 6: PLANNING BOARD DECISION ON FINAL PLAN	16
STEP 7: SIGNATURES	17
STEP 8: FILING OF APPROVED FINAL PLAN	17

TABLE OF CONTENTS

SECTION	PAGE
SECTION X: SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS	18
A. PROCEDURE	18
STEP 1: REQUEST FOR REVIEW OF PRELIMINARY	18
STEP 2: CEO REVIEWS SUBMISSION PACKET FOR COMPLETENESS	18
STEP 3: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY	18
STEP 4: PLANNING BOARD REVIEWS PRELIMINARY PLAN	
AND APPLICATION	18
STEP 5: PRELIMINARY PLAN PUBLIC HEARING	19
STEP 6: PLANNING BOARD DECISION ON PRELIMINARY PLAN	19
STEP 7: REQUEST FOR REVIEW OF FINAL PLAN	19
STEP 8: CEO REVIEWS SUBMISSION PACKET FOR	
COMPLETENESS	19
STEP 9: NOTICE TO ABUTTERS AND ADJACENT	
MUNICIPALITY OF FINAL PLAN	20
STEP 10: PLANNING BOARD REVIEWS FINAL PLAN	20
STEP 11: FINAL PLAN PUBLIC HEARING	20
STEP 12: PLANNING BOARD DECISION ON FINAL PLAN	20
STEP 13: SIGNATURES	20
STEP 14: FILING OF APPROVED FINAL PLAN	21
B. SUBMISSION PACKET	21
1. APPLICATION AND ATTACHMENTS	21
2. FINAL SUBDIVISION PLAN	21
3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT	21
SECTION XI: FILING PROCEDURES FOR APPROVED SUBDIVISIONS	22
A. FILING OF PLANNING BOARD ORDERS REQUIRED PRIOR TO SIGNING	
OF AND FILING OF APPROVED FINAL SUBDIVISION PLANS	22
B. FILING SECURITY DEPOSIT REQUIRED	22
C. SIGNING OF APPROVED FINAL SUBDIVISION PLANS	22
D. FILING OF THE SIGNED SUBDIVISION PLAN	22
E. FAILURE TO FILE AS REQUIRED TO RESULT IN VOIDING OF	
APPROVAL AND FORFEITURE OF FILING	22
F. RETURN OF FILING SECURITY DEPOSIT	22
G. FOREITED DEPOSITS ACCRUE TO THE TOWN	22
SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS	23
A. APPLICATION FORM	23
B. INFORMATION TO BE SUBMITTED	23
1. INFORMATION REGARDING THE APPLICANT	23
2. INFORMATION REGARDING PARCEL	
PROPOSED TO BE SUBDIVIDED	23
3. INFORMATION REGARDING PROPOSED SUBDIVISION	24
C. EXHIBITS TO ACCOMPANY SUBDIVISION APPLICATIONS	24
EXHIBIT 1: LOCATION MAP	24
EXHIBIT 2: TAX MAP	25
EXHIBIT 3: DOCUMENTATION OF RIGHT, TITLE	
OR INTEREST	25
EXHIBIT 4: WRITTEN AND GRAPHIC HISTORY OF OWNERSHIP	
AND DIVISION	25
EXHIBIT 5: AGENT'S LETTER OF AUTHORIZATION	25
EXHIBIT 6: WATER SUPPLY-INDIVIDUAL WELLS	25
EXHIBIT 7: WATER SUPPLY-COMMON SYSTEM	25
EXHIBIT 8: HIGH INTENSITY SOIL SURVEY	26

TABLE OF CONTENTS

SECTION	PAGE
EXHIBIT 9: SWCD EROSION CONTROL SPECIFICATIONS AND PLAN	26
EXHIBIT 10: EROSION AND SEDIMENTATION CONTROL PLAN AND SPECIFICATIONS	26
EXHIBIT 11: TRAFFIC IMPACT ANALYSIS	28
EXHIBIT 12: HIGHWAY ENTRANCE PERMITS	28
EXHIBIT 13: INTERIOR ROAD DESIGN	28
EXHIBIT 14: INTERIOR ROAD MAINTENANCE	28
EXHIBIT 15: SEWAGE DISPOSAL-INDIVIDUAL SUBSURFACE DISPOSAL SYSTEMS	29
EXHIBIT 16: SEWAGE DISPOSAL-COMMON SUBSURFACE DISPOSAL SYSTEMS	29
EXHIBIT 17: SOLID WASTE GENERATION AND DISPOSAL STATEMENT	29
EXHIBIT 18: SOLID WASTE GENERATION REPORT	29
EXHIBIT 19: SLUDGE DISPOSAL FACILITY STATUS AND CONTRACT	29
EXHIBIT 20: SLUDGE DISPOSAL FACILITY STATUS CONTRACT	29
EXHIBIT 21: AESTHETIC, CULTURAL AND NATURAL VALUES IMPACT STATEMENT	30
EXHIBIT 22: VISUAL RESOURCES IMPACT ASSESSMENT	30
EXHIBIT 23: HISTORIC RESOURCES IMPACT ASSESSMENT	30
EXHIBIT 24: UNIQUE NATURAL RESOURCES IMPACT ASSESSMENT	30
EXHIBIT 25: FISHERIES AND WILDLIFE HABITAT IMPACT ASSESSMENT	30
EXHIBIT 26: COMPLIANCE STATEMENT	30
EXHIBIT 27: COMPLIANCE MEMO-LOCAL ORDINANCES AND PLANS	30
EXHIBIT 28: COMPLIANCE MEMO-STATE AND FEDERAL LAWS AND REGULATIONS	31
EXHIBIT 29: FINANCIAL CAPACITY REPORT	31
EXHIBIT 30: TECHNICAL ABILITY	31
EXHIBIT 31: SURFACE WATER MANAGEMENT STATEMENT	31
EXHIBIT 32: SURFACE WATER MANAGEMENT PLAN	32
EXHIBIT 33: GROUND WATER RESOURCES IMPACT STATEMENT	32
EXHIBIT 34: NITRATE ASSESSMENT	32
EXHIBIT 35: WATER QUALITY BACKGROUND ASSESSMENT	32
EXHIBIT 36: RECOMMENDATIONS FOR MINIMIZING OR ELIMINATING WATER QUALITY IMPACTS	33
EXHIBIT 37: FLOOD HAZARD PROTECTION STATEMENT	33
EXHIBIT 38: FRESHWATER WETLAND PROTECTION STATEMENT	33
EXHIBIT 39: FRESHWATER WETLANDS MAP	33
EXHIBIT 40: FLOWING WATERS PROTECTION STATEMENT	33
EXHIBIT 41: FLOWING WATERS MAP	33
EXHIBIT 42: STORM WATER MANAGEMENT PLAN	34
SECTION XIII: PREPARATION AND SUBMISSION REQUIREMENTS FOR PRELIMINARY AND FINAL SUBDIVISION PLANS	36
A. PREPARATION AND SUBMISSION REQUIREMENTS: PRELIMINARY SUBDIVISION PLANS	36
1. NUMBER OF COPIES TO BE SUBMITTED	36

TABLE OF CONTENTS

SECTION	PAGE
2. SHEET SIZE	36
3. PLAN SCALE	36
B. INFORMATION TO BE SHOWN ON PRELIMINARY SUBDIVISION PLANS	36
1. GENERAL INFORMATION	36
2. BOUNDARY SURVEY	36
3. CONTOUR LINES	36
4. PROPOSED LOT LINES AND LOT NUMBERS	37
5. EXISTING MAN-MADE FEATURES	37
6. EXISTING NATURAL FEATURES	37
7. NAMES OF ADJACENT PROPERTY OWNERS	37
8. PROPOSED IMPROVEMENTS	37
9. PUBLIC IMPROVEMENTS	37
10. COMMON AND/OR PUBLIC AREAS AND FACILITIES	37
11. FLOOD HAZARD AREA BOUNDARIES	37
12. EXISTING ZONING	37
13. SURVEYOR/PLANNER'S CERTIFICATION AND SEAL	38
C. PREPARATION AND SUBMISSION REQUIREMENTS: FINAL SUBDIVISION PLANS	38
D. INFORMATION TO BE SHOWN ON FINAL SUBDIVISION PLANS	38
1. FINAL APPROVAL BLOCK	38
SECTION XIV: APPLICATION FEES AND TECHNICAL REVIEW ACCOUNT	39
A. APPLICATION PACKET FEE	39
1. COPIES OF SUBDIVISION APPLICATIONS	39
2. COPIES OF ORDINANCE	39
B. APPLICATION PROCESSING FEES	39
1. MINOR SUBDIVISIONS	39
2. MAJOR SUBDIVISIONS	39
3. PUBLIC HEARING FEES	39
C. TECHNICAL REVIEW ACCOUNT	39
SECTION XV: REVISIONS TO EXISTING PLANS AND TRANSFER OR APPROVAL	41
A. REVISIONS TO EXISTING PLAN	41
B. TRANSFER OF APPROVAL	41
SECTION XVI: GENERAL PERFORMANCE STANDARDS	42
A. CONFORMANCE WITH COMPREHENSIVE PLAN	42
B. RELATIONSHIP TO MUNICIPAL SERVICES	42
C. PRESERVATION AND ENHANCEMENT OF THE LANDSCAPE	42
D. RELATIONSHIP TO SCENIC CHARACTER OF THE NEIGHBORHOOD	42
E. RETENTION OF OPEN SPACES AND NATURAL OR HISTORIC FEATURES	42
F. LAND NOT SUITABLE FOR DEVELOPMENT	43
G. TOPSOIL AND VEGETATION REMOVAL	43
H. EROSION AND SEDIMENTATION CONTROL	44
I. LOT STANDARDS	44
J. UTILITIES	45
K. CONSTRUCTION IN FLOOD HAZARD AREAS	45
SECTION XVII: ROAD DESIGN AND CONSTRUCTION STANDARDS	46
A. GENERAL REQUIREMENTS	46
B. ROAD DESIGN STANDARDS	46
C. ROAD CONSTRUCTION STANDARDS	48

TABLE OF CONTENTS

SECTION	PAGE
1. MINIMUM THICKNESS OF MATERIAL AFTER COMPACTION	48
2. PREPARATION	48
3. BASES AND PAVEMENT	48
D. CLEANUP	49
E. ROAD NAMES, SIGNS AND LIGHTING	49
F. DRIVEWAY CULVERTS	50
G. CERTIFICATION OF CONSTRUCTION	50
SECTION XVIII: BUFFER AND SCREENING STANDARDS	51
A. SPECIAL BUFFER REQUIREMENTS ALONG TOWN WAYS	51
B. BUFFERS AND SCREENING	52
C. PLANT MATERIAL MAINTENANCE BOND REQUIRED	53
SECTION XIX: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS	54
A. GENERAL PROVISIONS	54
B. STORM WATER MANAGEMENT DESIGN STANDARDS	54
C. STORM DRAINAGE CONSTRUCTION STANDARDS	55
1. REINFORCED CONCRETE PIPE	55
2. CORRUGATED METAL PIPE	55
3. ABS PIPE	55
4. CORRUGATED PLASTIC PIPE	55
5. MANHOLES	55
6. CATCH BASINS	55
7. DRAIN INLET ALIGNMENT	55
8. MANHOLE PLACEMENT	56
9. CATCH BASIN AND MANHOLE MAINTENANCE	56
SECTION XX: PROVISION FOR CLUSTER DEVELOPMENT	57
A. PURPOSE	57
B. ALLOWABLE REDUCTION IN REQUIREMENTS	57
C. PERFORMANCE STANDARDS	57
SECTION XXI: ADDITIONAL REQUIRED IMPROVEMENTS	58
A. MONUMENTS	58
B. WATER SUPPLY	58
C. SEWAGE DISPOSAL	58
D. SURFACE DRAINAGE	59
E. WALKWAYS, TRAILS	59
SECTION XXII: DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND SERVICES	60
A. DEDICATION	60
B. MAINTENANCE OF COMMON SPACE IN SUBDIVISIONS	60
SECTION XXIII: PERFORMANCE GUARANTEES	61
A. TYPES OF GUARANTEES	61
B. CONTENTS OF GUARANTEE	61
C. ESCROW ACCOUNT	61
D. PERFORMANCE BOND	61
E. LETTER OF CREDIT	61
F. CONDITIONAL AGREEMENT	62
G. PHASING OF DEVELOPMENT	62
H. RELEASE OF GUARANTEE	62
I. DEFAULT	62
J. PRIVATE ROADS	62

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
SECTION XXIV: WAIVERS	63
A. WAIVER OF SUBMISSION REQUIREMENTS	63
B. WAIVER OF PERFORMANCE STANDARDS	63
C. WAIVERS OF REQUIRED IMPROVEMENTS	63
D. WAIVERS OF CONDITIONALLY GRANTED	63
E. WAIVERS LIMITED	63
F. WAIVER REVOCABLE	63
SECTION XXV: DEFINITIONS	64

SECTION I: GENERAL PROVISIONS

SECTION USER'S GUIDE: This section contains general information related to the title of the Ordinance, the statutory authority under which it was prepared and adopted, and the procedure for its amendment.

A. TITLE

This Ordinance shall be known and be cited as the "Subdivision Ordinance of the Town of Dedham, Maine."

B. AUTHORITY

This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine and in accordance with the provisions of Title 30-A, MRSA, Section 4403.

C. APPLICABILITY

The provisions of this Ordinance shall apply to subdivisions as defined by this Ordinance and by Title 30-A, MRSA, Section 4401 and 4402 as amended, all lands within the boundaries of the Town of Dedham.

D. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the more restrictive requirements shall govern.

E. SUPERSEDURE

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict. The Subdivision Ordinance in effect at the time that this Subdivision Ordinance is enacted is hereby repealed. Provided, however, that all lawfully adopted Ordinances or parts thereof shall remain in full force and effect with respect to any violation thereof in existence at the time of adoption of this Ordinance, and provided further that any such violation shall be deemed a violation of this Ordinance and subject to its terms and provisions.

F. SEPARABILITY

In the event that any section, subsection or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

1. INITIATION

A proposal to amend this Ordinance may be initiated by:

- a. The Planning Board, by majority vote;
- b. The Board of Selectmen,
- c. Any 5 qualified voters may begin initiative proceedings by a request in writing to the Town Clerk. The Clerk shall provide the appropriate petition blanks within 5 days of when they are

requested. The complete text of the proposed amendment shall be included in the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached there to throughout their circulation the full text of the proposed amendment. These 5 qualified voters shall be referred to as the Requesting Committee during the initiative procedure. The Requesting Committee shall have 30 days from the acceptance date of the request by the Town Clerk to cause the petitions to be signed by 5% of the number of votes cast in the town at the last Gubernatorial Election but not fewer than 70 voters. Any voter of Dedham may circulate the petition. The petition shall be signed only once by qualified voters of the town and each voter's signature shall be followed by his/her address. An affidavit-of-the-circulator, similar to that which is required in MSRA title 30-A, section 2102(3) (b)(3), as amended, will be required.

Petitioners may present their petitions to the Clerk at any time during the circulation period. Within 7 days after the petition circulation period ends, the Clerk shall certify to the Board of Selectmen and notify the Requesting Committee that the petition has been signed by 5% of the total of qualified voters who cast votes in the last Gubernatorial Election but not fewer than 70 voters.

Should fewer qualified voters than required by this ordinance sign the petition in the specific time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. A request to initiate the same amendment may not be accepted by the Clerk until 120 days after the expiration of the previous filing period. The Board of Selectmen shall process the request for the Subdivision Ordinance amendment in accordance with proper procedure. Any such proposed amendment may be examined by the Town Attorney before being circulated for signatures. The Town Attorney is authorized to edit the form of such proposed amendment for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references, and clarity and precision in its phraseology, but he/she shall not materially change its meaning and effect. If the Town Attorney cannot edit or correct the proposed amendment, he/she shall so advise the Requesting Committee who may revise the proposed amendment. If not revised, the Town Attorney shall advise the voters at the public hearing of the shortcomings of the proposed amendment.

- d. When an amendment is proposed by other than the municipal officers or Planning Board, a fee of to be established by policy approved by the Selectmen shall accompany the proposal to cover the cost of review, hearings, and advertisements. This fee is non-refundable.

2. PROCESS OF ADOPTION

The process to be followed in adopting an amendment to this Ordinance is as follows:

- a. Proposed amendments must first be submitted to the Planning Board for their consideration.
- b. The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment.
- c. Notice of the public hearing shall be given pursuant to the provisions of Section III.H of this Ordinance.
- d. The Planning Board shall make its official report at the next Board of Selectmen Meeting following the public hearing.
- e. Amendments adopted by the Board of Selectmen shall follow standard procedure.

H. EFFECTIVE DATE

The provisions of this Ordinance shall become effective the day of their enactment.

SECTION II: PURPOSES

SECTION USER'S GUIDE: This section explains the purposes of this Ordinance.

A. PROTECT GENERAL WELFARE

To assure the comfort, convenience, safety, health and welfare of the citizens of Dedham;

B. PROTECT ENVIRONMENT

To protect the natural resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

C. PROMOTE COMMUNITY DEVELOPMENT

To promote the development of an economically sound and stable community;

D. BALANCE PROPERTY RIGHTS

To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance;

E. REDUCE FISCAL IMPACT

To provide the means for evaluating subdivision proposals for their fiscal impact on the municipality's ability to provide and improve necessary public facilities and services;

F. ESTABLISH PROCEDURES AND STANDARDS

To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; and to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them.

SECTION III: ADMINISTRATION

SECTION USER'S GUIDE: This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearings.

A. ADMINISTERING BODY

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

B. APPLICATION REQUIRED

Applications for approval shall be submitted in writing to the Board, on forms provided by it. The Board may require the submission of whatever additional information is necessary to determine compliance with the provisions of this Ordinance.

C. PERMITS TO BE APPLIED FOR BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been applied for and evidence that they have been applied for or acquired has been provided to the Board.

D. COMMENCEMENT AND COMPLETION OF WORK

Construction and alteration activities on projects for which approval has been granted under this Ordinance shall commence within six (6) months of the date of approval and shall be completed within eighteen (18) months.

Activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the prior approval issued under this Ordinance shall be considered void, unless an extension has been granted by the Board.

Activities may be extended for up to twelve (12) months at a time by the Planning Board upon a showing of good cause where a written request setting forth the reasons for the extension is submitted not later than thirty (30) days prior to the pending commencement or completion date.

E. CERTIFICATE OF CONSTRUCTION REQUIRED

No land in a subdivision requiring approval under this Ordinance shall be conveyed, rented, leased, or occupied without a certificate of construction issued by the Code Enforcement Officer indicating that all of the required public improvements have been constructed as required.

F. CONDITIONS OF APPROVAL

The Board may in approving applications attach such reasonable and appropriate terms and conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Such terms and conditions may include, but are not limited to, specifications for:

1. Specific sewage or other waste disposal facilities;
2. Specific water supply facilities;
3. Landscaping and planting screens;
4. Sureties and bonds;

5. Restrictive covenants;

SECTION III: ADMINISTRATION (continued)

6. Location of piers, docks, parking areas and signs; and
7. Any other term or condition of approval necessary to fulfill the purposes of this Ordinance.

Violation of any of these terms or conditions shall be considered a violation of this Ordinance.

G. PUBLIC HEARINGS

In scheduling public hearings under this Ordinance, the Board shall notify the Applicant at least twenty (20) days in advance of the date, time and place of the hearing. The Board shall publish notice of the hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places. The first notice shall appear at least seven (7) days in advance of the hearing.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant's case shall be presented first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman of the Board.

Whenever a public hearing is held pursuant to this Ordinance, the matters in that hearing may be carried over until the next regularly or specially scheduled meeting of the Planning Board for further public hearing without affecting any decisional deadline applicable to the Planning Board.

Ten (10) days after the public hearing, the administrative record shall close. Within thirty (30) days of the public hearing, the Board shall reach a decision on the proposed subdivision plan and shall inform the applicant and the Board of Selectmen in writing within ten (10) days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon all reasonable and admissible evidence that is submitted prior to the closing of the record.

SECTION IV: CRITERIA OF APPROVAL

SECTION USER'S GUIDE: This section contains the criteria by which the Board will judge all applications submitted pursuant to this Ordinance.

In approving applications submitted pursuant to this Ordinance, the Board shall find that:

A. POLLUTION

The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resource rules and regulations.

B. SUFFICIENT WATER SUPPLY

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

C. MUNICIPAL WATER SUPPLY

The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

D. EROSION

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

E. TRAFFIC

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

F. SEWAGE DISPOSAL

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

G. MUNICIPAL SOLID WASTE DISPOSAL

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

H. AESTHETIC, CULTURAL AND NATURAL VALUES

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

SECTION IV: CRITERIA OF APPROVAL (continued)

I. CONFORMITY WITH LOCAL ORDINANCES AND PLANS

The proposed subdivision conforms with this subdivision ordinance and any duly adopted Comprehensive Plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

J. FINANCIAL AND TECHNICAL CAPACITY

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

K. SURFACE WATERS

Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;

L. GROUND WATER

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

M. FLOOD AREAS

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

N. FRESHWATER WETLANDS

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

O. RIVER, STREAM OR BROOK

Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.

P. STORM WATER

The proposed subdivision will provide for adequate storm water management.

Q. STATE SUBDIVISION LAW CRITERIA

In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to Title 30-A, MRSA, Section 4404, from time to time.

SECTION IV: CRITERIA OF APPROVAL (continued)

R. WRITTEN FINDINGS OF FACT REQUIRED

In approving subdivisions under this Ordinance, the Board shall consider the criteria above; and before granting approval, shall make written findings of fact that the provisions of this Ordinance have been met.

S. BURDEN OF PROOF

In all instances the burden of proof of compliance with the above criteria shall be upon the person proposing the subdivision.

SECTION V: VIOLATIONS AND ENFORCEMENT

SECTION USER'S GUIDE: This section contains specific provisions describing those actions which shall be considered violations of this Ordinance and procedures for enforcement. It also provides that contractors shall be held liable for their actions which are in violation of this Ordinance. The violations enumerated in this section shall not be exclusive; any other section that identifies a violation shall be valid.

A. RECORDING OF SUBDIVISION PLAN WITHOUT PRIOR APPROVAL PROHIBITED

No plan of a division of land within the municipality which would constitute a subdivision under this Ordinance shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.

B. CONVEYANCE WITHOUT RECORDING PROHIBITED

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. CONVEYANCE OF LOTS NOT SHOWN ON FINAL PLAN PROHIBITED

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land in an approved subdivision which is not shown on the Final Plan as a separate lot.

D. CONVEYANCE WITHOUT APPROVAL PROHIBITED

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision requiring approval under this Ordinance, which has not been approved as required by this Ordinance.

E. UTILITY HOOKUPS PRIOR TO APPROVAL PROHIBITED

A public utility, water district, sanitary district, or any utility company of any kind may not install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required by the Town of Dedham has been issued by the appropriate municipal officers or other written arrangements have been made between the municipal officers and the utility.

F. DEVELOPMENT PRIOR TO APPROVAL PROHIBITED

Development of a subdivision or project requiring approval under this Ordinance, without Board approval shall be a violation. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in this Ordinance.

G. ROAD COMPLETION PRIOR TO CONVEYANCE REQUIRED

No lot in a subdivision may be sold, leased, or otherwise conveyed before the Road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this Ordinance.

SECTION V: VIOLATIONS AND ENFORCEMENT (continued)

H. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL

Failure to comply with any conditions of approval shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction, development or any specific activity violating the conditions of permit approval or applying the legal penalties provided herein.

I. FAILURE TO PAY

Failure to pay application fees, filing fees, and technical review accounts as required by this Ordinance shall be considered a violation of this Ordinance, which will stop the review process and void approvals.

J. OWNER RESPONSIBLE FOR OFF-SITE SEDIMENTATION

Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the owner to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail (return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance.

K. NUISANCES

Any violation of this Ordinance shall be deemed a nuisance.

L. CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the person or persons responsible for such violation, shall be notified in writing, including the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

M. LEGAL ACTIONS

When there is a violation of this Ordinance, the Selectmen, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Code Enforcement Officer, upon certification, is hereby authorized to represent the Town in District Court pursuant to Title 30-A, MRSA, Sec. 4451 et seq.. In any case, the Town Attorney may prosecute such actions.

N. FINES & FEES

Any violation of this Ordinance is punishable pursuant to Title 30-A, MRSA, section 4452. The provisions of that statute governing fines and fees are expressly applicable to violations under this ordinance. Each day such violation is continued is a separate offense. All such fines shall accrue to the Town.

O. CONTRACTOR LIABILITY

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits and/or approvals for such activity have not been obtained.

SECTION VI: APPEAL TO SUPERIOR COURT

SECTION USER'S GUIDE: This section contains specific provisions regarding the appeal of Planning Board decisions to Superior Court.

An appeal may be taken within thirty (30) days after any decision is rendered by the Planning Board, by any party to Superior Court in accordance with State Law.

SECTION VII: ADMINISTRATIVE PROCEDURES

A. AGENDA REQUIRED

In order to provide an orderly process for reviewing applications, an agenda shall be prepared in advance of each regularly scheduled Planning Board meeting.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

C. AGENDA MAY BE LIMITED

The Planning Board, in order to conduct a thorough review of applications submitted to it, may limit such review to one subdivision application per regularly scheduled meeting.

SECTION VIII: PRE-APPLICATION CONFERENCE/SKETCH PLAN REVIEW

SECTION USER'S GUIDE: This section contains provisions related to the procedures to be followed and submissions required during the Pre-Application/Sketch Plan Review stage of the subdivision review process provided by this Ordinance.

A. GENERAL

All applicants shall meet with the Planning Board prior to the formal submission of a subdivision plan to generally discuss their proposed subdivision and to obtain guidance from the Planning Board in the development of the plan.

B. PROCEDURE

The procedures for Sketch Plan Review are as follows:

STEP 1: ADVANCE REQUEST TO BE PLACED ON AGENDA REQUIRED

The applicant shall request, through the Code Enforcement Officer, to be placed on the Planning Board's agenda, for a pre-application conference, at least twenty-eight (28) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

STEP 2: CEO REVIEW OF SUBMISSION PACKET FOR COMPLETENESS

The Code Enforcement Officer shall not place an applicant on the agenda until determining that the applicant has presented the submission packet as specified in subsection C of this section.

STEP 3: PLANNING BOARD REVIEWS SKETCH PLAN AND EXHIBITS

At the pre-application meeting, the Planning Board shall review the Sketch Plan and accompanying exhibits with the applicant, answer the applicant's questions, and make specific suggestions to be incorporated by the applicant in subsequent submissions.

STEP 4: CLASSIFICATION OF SUBDIVISION

At the pre-application meeting, the Planning Board shall classify the proposed subdivision as either a minor or major subdivision and so notify the applicant in writing.

STEP 5: CONTOUR INTERVAL ESTABLISHED

At the pre-application meeting, the Planning Board shall determine the contour intervals for subsequent submissions and shall notify the applicant in writing that either 1, 2, or 5-foot contour intervals are required.

STEP 6: ON-SITE INSPECTION DATE SET

At the pre-application meeting, the Planning Board shall schedule an on-site inspection of the tract or parcel to be subdivided and shall notify the applicant of the time and date in writing.

The on-site inspection shall be jointly attended by the applicant or a duly authorized agent and by at least one member of the Planning Board or an individual appointed by the chairman of the Planning Board to act as the Board's authorized representative for such inspection.

SECTION VIII: PRE-APPLICATION CONFERENCE/SKETCH PLAN REVIEW (continued)

C. SUBMISSION PACKET

The submission packet required for Sketch Plan Review shall include the following:

1. SKETCH PLAN

A Sketch Plan, showing the information specified in d. below, shall be submitted to the Planning Board.

a. NUMBER OF COPIES:

Ten (10) paper copies of the Sketch Plan shall be submitted.

b. SHEET SIZE:

The Sketch Plan shall be at least 11 x 17 inches, but no larger than 24 x 36 inches in size.

c. PLAN SCALE:

The Sketch Plan shall be drawn to scale.

d. INFORMATION TO BE SHOWN ON THE PLAN:

The following information shall be shown on all Sketch Plans:

- 1) The outline of the tract or parcel to be subdivided, with known or, if not known, acreage of parcel, estimated perimeter dimensions;
- 2) True north arrow;
- 3) The scale to which the plan is drawn;
- 4) The proposed layout of lots, roads, driveways, and building locations;
- 5) Identification of general areas of slopes fifteen percent (15%) or greater, areas of exposed ledge, streams and floodplain;
- 6) Location of public utilities proposed to be utilized;
- 7) Wetlands, regardless of size, prepared by a State Certified Soil Scientist or Geologist registered in the State of Maine, based on an on-site investigation, streams or ponds located in whole or in part on the parcel proposed to be subdivided.
- 8) The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided; and
- 9) The present zoning classification of the parcel.

2. EXHIBITS TO ACCOMPANY SKETCH PLAN

Exhibits 1, 2, 3, and 4 as specified in Section XII.C of this Ordinance shall accompany the Sketch Plan and be submitted with the Sketch Plan to the Code Enforcement Officer when requesting a pre-application conference.

D. RIGHTS NOT VESTED

The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, MRSA, Section 302.

SECTION IX: SUBDIVISION REVIEW PROCESS: MINOR SUBDIVISIONS

SECTION USER'S GUIDE: This section contains provisions related to the process to be followed during the review of Minor Subdivisions.

A. MINOR SUBDIVISION MAY HAVE TO COMPLY WITH MAJOR SUBDIVISION REQUIREMENTS

The Planning Board may require, where it deems it necessary for the protection of public health, safety and general welfare, that a Minor Subdivision complies with all or any of the procedural and submission requirements of a Major Subdivision.

B. SUBMISSION PACKET

The submission packet required for Minor Subdivisions shall include the following:

1. APPLICATION AND EXHIBITS

An application and attachments for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XII of this Ordinance.

2. FINAL SUBDIVISION PLAN

A Final Subdivision Plan for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XIII of this Ordinance.

3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT

An administrative fee and escrow account for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XIV of this Ordinance.

C. PROCEDURE

The procedures for reviewing Minor Subdivision Plans are as follows:

STEP 1: REQUEST FOR FINAL PLAN REVIEW

Within six (6) months after classification of the proposed subdivision as a Minor Subdivision, the Applicant shall submit a complete Final Plan to the Code Enforcement Officer and request, through the Code Enforcement Officer, to be placed on the Planning Board's agenda.

Such a request shall be made at least twenty-eight (28) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within the six (6) months of classification may require a new pre-application conference.

STEP 2: CEO REVIEWS SUBMISSION PACKET FOR COMPLETENESS

The Code Enforcement Officer shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Minor Subdivisions by this Ordinance.

If the Code Enforcement Officer determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing. If the Code Enforcement Officer determines that the submission packet is complete, the

SECTION IX: SUBDIVISION REVIEW PROCESS: MINOR SUBDIVISIONS (continued)

applicant shall be issued a Dated Receipt Of Application and place the application on the agenda of the next regularly scheduled Planning Board meeting.

STEP 3: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY

Upon the issuance of a Dated Receipt Of Application, the Code Enforcement Officer shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Final Plan and application for a proposed Minor Subdivision has been received, the location of the proposed Minor Subdivision, and give a general description of the proposal.

STEP 4: PLANNING BOARD REVIEWS FINAL PLAN AND APPLICATION

Within thirty (30) days from the receipt of an application, the Planning Board shall review the Final Plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice Of Incomplete Application specifying the additional information expected prior to further action on the application.

The applicant shall have thirty (30) days thereafter to submit a complete Final Plan. A failure to submit a complete Final Plan within that time shall require that the Preliminary Plan be re-reviewed as provided in Section VIII, pre-application conference/sketch plan review.

If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice Of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until Final Plan Approval.

Full evaluation of the Final Plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

STEP 5: FINAL PLAN PUBLIC HEARING DISCRETIONARY

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board may decide that the proposed Minor Subdivision lacks such complexity that a public hearing is not warranted and not hold a public hearing on the Final Plan of the proposed Minor Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.G of this Ordinance.

STEP 6. PLANNING BOARD DECISION ON FINAL PLAN

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing should a public hearing be held, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan of the proposed Minor Subdivision.

SECTION IX: SUBDIVISION REVIEW PROCESS: MINOR SUBDIVISIONS (continued)

The Planning Board's failure to grant an approval within the deadlines specified above shall constitute a denial of the application by the Board, unless the applicant waives the specified deadlines.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed Final Plan does or does not meet the criteria in Section IV of this Ordinance.

STEP 7: SIGNATURES

Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign two (2) reproducible copies and two (2) paper copies of the approved Subdivision Plan.

STEP 8: FILING OF APPROVED FINAL PLAN

Planning Board Orders and approved Final Plans for Minor Subdivisions shall be filed in the Hancock County Registry of Deeds as specified in Section XI of this Ordinance.

SECTION X: SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS

SECTION USER'S GUIDE: This section contains provisions related to the process to be followed during the review of Major Subdivisions.

A. PROCEDURE

The procedures for reviewing Major Subdivision Plans are as follows:

STEP 1: REQUEST FOR REVIEW OF PRELIMINARY PLAN

Within six (6) months after classification of the proposed subdivision as a Major Subdivision, the Applicant shall request, through the Code Enforcement Officer, to be placed on the Planning Board's agenda for Major Subdivision Preliminary Plan review.

Such a request shall be made at least twenty-eight (28) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of classification may require a new pre-application conference.

STEP 2: CEO REVIEWS SUBMISSION PACKET FOR COMPLETENESS

The Code Enforcement Officer shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Preliminary Plan review of Major Subdivisions by this Ordinance.

If the Code Enforcement Officer determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

If the Code Enforcement Officer determines that the submission packet is complete, the applicant shall be issued a Dated Receipt Of Application and place the application on the agenda of the next regularly scheduled Planning Board meeting.

STEP 3: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY

Upon the issuance of a Dated Receipt Of Application, the Code Enforcement Officer shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Preliminary Plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give a general description of the proposal.

STEP 4: PLANNING BOARD REVIEWS PRELIMINARY PLAN AND APPLICATION

Within thirty (30) days from the receipt of an application, the Planning Board shall review the Preliminary Plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice Of Incomplete Application specifying the additional information expected prior to further action on the application.

If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

SECTION X: SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS (continued)

A Notice of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until Final Plan Approval.

Full evaluation of the Preliminary Plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

STEP 5: PRELIMINARY PLAN PUBLIC HEARING MANDATORY

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board shall hold a public hearing on the Preliminary Plan of the proposed Major Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.G of this Ordinance.

STEP 6: PLANNING BOARD DECISION ON PRELIMINARY PLAN

Within thirty (30) days of the public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Preliminary Plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact that the proposed Preliminary Plan does or does not meet the criteria in Section IV of this Ordinance. No signature on the Preliminary Plan shall be required.

STEP 7: REQUEST FOR REVIEW OF FINAL PLAN

Within six (6) months after approval of a Preliminary Plan for a Major Subdivision, the applicant shall submit a complete plan to the Code Enforcement Officer and request, through the Code Enforcement Officer, to be placed on the Planning Board's agenda for Final Plan review.

Such a request shall be made at least thirty (30) days prior to the next regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within the six (6) months of Preliminary Plan approval shall require that the Preliminary Plan be re-reviewed as provided in Steps 1 through 6, above.

Time spent by the Code Enforcement Officer in reviewing the packet pursuant to Step 8 shall not be counted in computing whether six (6) months have passed. This amendment shall apply to all applications, including those that have already received substantive review. Applications that have received substantive review at the time that this amendment is approved shall have six (6) months from the date of approval of the amendment to comply with these requirements.

STEP 8: CEO REVIEWS SUBMISSION PACKET FOR COMPLETENESS

The Code Enforcement Officer shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Final Plan review of Major Subdivisions by this Ordinance.

If the Code Enforcement Officer determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

SECTION X: SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS (continued)

If the Code Enforcement Officer determines that the submission packet is complete, the applicant shall be issued a Dated Receipt of Application and place the application on the agenda of the next regularly scheduled Planning Board meeting.

STEP 9: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY OF FINAL PLAN

Upon the issuance of a Dated Receipt Of Application, the Code Enforcement Officer shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Final Plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give a general description of the proposal.

STEP 10: PLANNING BOARD REVIEWS FINAL PLAN

Within thirty (30) days from the receipt of the Final Plan, the Planning Board shall notify the applicant in writing either that the Final Plan is complete or, if the Final Plan is incomplete, the specific additional action needed to make a complete Final Plan.

If the Planning Board finds that the application is incomplete the applicant shall have thirty (30) days thereafter to submit a complete Final Plan. A failure to submit a complete Final Plan within that time shall require that the Preliminary Plan be re-reviewed as provided in Steps 1 through 6, above; to be followed by compliance with Steps 7 through 9, above.

STEP 11: FINAL PLAN PUBLIC HEARING

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board may decide to hold a public hearing on the Final Plan of the proposed Major Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.G of this Ordinance.

STEP 12: PLANNING BOARD DECISION ON FINAL PLAN

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing, in the event the Planning Board decides to hold a public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed Final Plan does or does not meet the criteria in Section IV of this Ordinance.

STEP 13: SIGNATURES

Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign two (2) reproducible copies and two (2) paper copies of the approved Subdivision Plan.

SECTION X: SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS (continued)

STEP 14: FILING OF APPROVED FINAL PLAN

Planning Board Orders and approved Final Plans for Major Subdivisions shall be filed in the Hancock County Registry of Deeds as specified in Section XI of this Ordinance.

B. SUBMISSION PACKET

The submission packet required for Major Subdivisions shall include the following:

1. APPLICATION AND ATTACHMENTS

An application and attachments for Planning Board review of Major Subdivisions shall be submitted as specified in Section XII of this Ordinance.

2. FINAL SUBDIVISION PLAN

A Final Subdivision Plan for Planning Board review of Major Subdivisions shall be submitted as specified in Section XIII of this Ordinance.

3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT

An administrative fee and escrow account for Planning Board review of Major Subdivisions shall be submitted as specified in Section XIV of this Ordinance.

SECTION XI: FILING PROCEDURES FOR APPROVED SUBDIVISIONS

SECTION USER'S GUIDE: This section contains provisions related to the process to be followed in filing Planning Board Orders and approved Subdivision Plans in the Registry of Deeds.

A. FILING OF PLANNING BOARD ORDERS REQUIRED PRIOR TO SIGNING OF AND FILING OF APPROVED FINAL SUBDIVISION PLANS

A copy of the Planning Board's Order regarding any Final Subdivision Plans, including the Board's findings of fact and conclusions and any conditions of approval shall be filed, by the applicant, in the Hancock County Registry of Deeds.

The book and page number of such recording shall appear and be referenced on the approved Final Subdivision Plan prior to the recording of such Plan, as set forth in Section C below.

B. FILING SECURITY DEPOSIT REQUIRED

Prior to the Planning Board's signing of the Final Subdivision Plan, the applicant shall provide the Planning Board with a filing securing deposit, in the form of a cashier's check, in the amount specified in the policy adopted by the Selectmen made payable to the Town of Dedham.

C. SIGNING OF APPROVED FINAL SUBDIVISION PLANS

Upon receipt of a copy of the recorded Planning Board Order, stamped by the Hancock County Registry of Deeds, and a filing security deposit, the Planning Board shall enter in ink, in the places provided in the Final Subdivision Plan Approval Block, the book and page and/or file numbers where such Planning Order is recorded in the Hancock County Registry of Deeds.

After entering the book and page numbers, a majority of the members of the Planning Board shall sign, their names in ink in the places provided, on the two (2) reproducible copies and two (2) paper copies of the approved Final Subdivision Plan.

D. FILING OF THE SIGNED SUBDIVISION PLAN

The signed original Final Subdivision Plan shall be filed, by the applicant, within thirty (30) days of the date of Planning Board signatures, in the Hancock County Registry of Deeds.

E. FAILURE TO FILE AS REQUIRED TO RESULT IN VOIDING OF APPROVAL AND FORFEITURE OF FILING SECURITY DEPOSIT

In the event that the applicant fails to file the approved Final Subdivision Plan within the thirty (30) days provided in Section D above, the Planning Board's approval shall be considered void and the filing security deposit forfeited.

F. RETURN OF FILING SECURITY DEPOSIT

Upon receipt from the applicant, of a copy of the approved Final Subdivision Plan, stamped and dated by the Registry of Deeds, the filing security deposit shall be refunded to the applicant by the Town.

G. FORFEITED DEPOSITS ACCRUE TO THE TOWN

In the event the applicant forfeits his/her filing security deposit, such funds shall accrue to the benefit of the Town.

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS

SECTION USER'S GUIDE: This section contains provisions related to the application forms to be used in the Subdivision Review Process and the information to be provided thereon and information to be attached thereto.

A. APPLICATION FORM

The application form used in the subdivision review process contained in this Ordinance shall be provided by the Town, filled out by the Applicant and shall include the information required below.

B. INFORMATION TO BE SUBMITTED

The following information shall be included in the application forms submitted to the Planning Board With the Final Plans for all Minor Subdivisions and with the Preliminary Plans for all Major Subdivisions:

1. INFORMATION REGARDING THE APPLICANT

- a. The name, address, and phone number of the Owner of Record (Applicant).
- b. Information regarding the applicant's right, title, or interest in the parcel proposed to be subdivided.
- c. Information as to whether or not the applicant is a corporation and, if so, whether or not the corporation is licensed to do business in Maine.
- d. The name, address, and phone number of the applicant's authorized agent (if an agent is applying on behalf of applicant).
- e. The name, address, phone number, and registration number of the Land Surveyors, and/or Land Planners employed by the applicant to design the proposed subdivision.
- f. The name, address, and phone number of the individuals to whom all communications from the Planning Board should be directed.
- g. Information regarding the applicant's interest in any property abutting the parcel proposed to be subdivided and that the proposed subdivision plan covers his/her entire, contiguous holdings.

2. INFORMATION REGARDING PARCEL PROPOSED TO BE SUBDIVIDED

- a. The book and page numbers from Registry of Deeds describing the parcel proposed to be subdivided.
- b. The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided.
- c. The existing use of the property proposed to be subdivided.
- d. The total acreage of parcel proposed to be subdivided.
- e. The present zoning of parcel proposed to be subdivided.
- f. Whether or not the parcel proposed to be subdivided is part of a prior approved subdivision.
- g. Whether or not any part of the parcel proposed to be subdivided is within the Shoreland Zone.
- h. Whether or not there are any freshwater wetlands prepared by a State Certified Soil Scientist

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

or Geologist registered in the State of Maine, based on an on-site investigation, streams or ponds located in whole or in part on the parcel proposed to be subdivided.

- i. Whether or not there are any significant groundwater aquifers located in whole or in part on the parcel proposed to be subdivided.
- j. Whether or not the parcel proposed to be subdivided is in whole or in part located within an identified special flood hazard area.
- k. Whether or not the parcel proposed to be subdivided has any identified critical natural resources or wildlife habitats, as identified in the 1994 Comprehensive Plan (amended October 5, 1995), located in whole or in part on the parcel proposed to be subdivided.
- l. The location of snowmobile trails shown on the Interconnecting Trail System map published by the Maine Department of Conservation, or recognized, club-maintained trails.
- m. Whether or not the parcel proposed to be subdivided contains any scenic areas as identified in the 1994 Comprehensive Plan (amended October 5, 1995).

3. INFORMATION REGARDING PROPOSED SUBDIVISION

- a. Name of the proposed subdivision.
- b. Type of proposed subdivision. (e.g.: residential, commercial, mobile home, mixed, etc.)
- c. Number of lots and/or units proposed.
- d. Information regarding proposed methods of disposing of sewage wastes generated by the proposed subdivision.
- e. Information regarding proposed methods of supplying water required by the proposed subdivision.
- f. Information regarding proposed methods of disposing of solid wastes generated by the proposed subdivision.
- g. Information regarding proposed methods of controlling and/or preventing soil erosion and sedimentation resulting from the proposed subdivision.
- h. Information regarding proposed methods of handling changes in storm water and/or surface water drainage patterns resulting from the proposed subdivision.
- i. Information regarding proposed interior subdivision roads.
- j. Information regarding proposed methods of handling traffic volumes projected to be generated by the proposed subdivision.
- k. Estimated dates of starting and completing any proposed construction.
- l. Estimated costs of required and proposed improvements.

C. EXHIBITS TO ACCOMPANY SUBDIVISION APPLICATIONS

The following are specifications for exhibits to accompany subdivision applications.

EXHIBIT 1: LOCATION MAP

All subdivision applications shall be accompanied by a copy of a 7.5 minute USGS quadrangle map or maps, in the center of which the boundaries of the proposed

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

subdivision have been delineated, trimmed to an 8 ½"x11" sheet size.

EXHIBIT 2: TAX MAP

All subdivision applications shall be accompanied by a copy, reduced to 8 1/2" x 11", of the Property Tax Map on which the parcel proposed to be subdivided is located, with the property cross-hatched or otherwise graphically identified. Copies of these maps are available at the Town Offices.

EXHIBIT 3: DOCUMENTATION OF RIGHT, TITLE OR INTEREST

All subdivision applications shall be accompanied by a copy of a deed, purchase and sale agreement, or similar document demonstrating a legal right, title, or interest in the parcel proposed to be subdivided.

EXHIBIT 4: WRITTEN AND GRAPHIC HISTORY OF OWNERSHIP AND DIVISION

All subdivision applications shall be accompanied by a written and graphic history of the ownership of the property and any division of the property during the past five (5) years. This history shall include the names and addresses of persons to whom any divisions have been conveyed, the date of any such conveyances, and copies of such conveyances as recorded in the Hancock County Registry of Deeds. When submitted as part of an application for Preliminary Plan approval, such a History of Ownership and Division shall be signed by a licensed attorney or be signed and stamped by a registered Land Surveyor.

EXHIBIT 5: AGENT'S LETTER OF AUTHORIZATION

All subdivision applications shall be accompanied by a letter signed by the owner of the parcel proposed to be subdivided authorizing someone other than him/herself to act as his/her agent, if an agent is representing the owner.

EXHIBIT 6: WATER SUPPLY - INDIVIDUAL WELLS

If Individual Wells are proposed, all subdivision applications shall be accompanied by a letter including calculations of subdivision's foreseeable water needs, certifying that sufficient, healthful water for the reasonably foreseeable needs of the subdivision is available, prepared by a licensed well-driller knowledgeable of the area, or other qualified professional.

EXHIBIT 7: WATER SUPPLY - COMMON SYSTEM

If a Common Water Supply System is proposed, all subdivision applications shall be accompanied by a report prepared by a registered professional engineer or geologist, including the following;

- a. Calculations of project's foreseeable water needs;
- b. Certification that sufficient, healthful water for the reasonably foreseeable needs of the subdivision is available;
- c. Certification that the design of common well(s) is in conformance with Maine Drinking Water Regulations, Title 22 MRSA, Section 2601; and
- d. A detailed description of the proposed method for providing appropriate long-term operation and maintenance of system and name of person or entity proposed to be responsible for operation and maintenance of system.

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

EXHIBIT 8: HIGH INTENSITY SOIL SURVEY

All subdivision applications shall be accompanied by a medium Intensity Soil Survey Map and a written report describing the soils present on the site, prepared by a Maine Certified Soil Scientist. The Board may require High Intensity Soil Survey mapping for areas of intensive development such as roads and structures.

EXHIBIT 9: SWCD EROSION CONTROL SPECIFICATIONS AND PLAN

If a Minor Subdivision, the application shall be accompanied by written Erosion and Sedimentation Control Specifications and an Erosion and Sedimentation Control Plan, prepared in consultation with the Hancock County Soil and Water Conservation District, or any qualified professional.

EXHIBIT 10: EROSION AND SEDIMENTATION CONTROL PLAN AND SPECIFICATIONS

If a Major Subdivision, the application shall be accompanied by written Erosion and Sedimentation Control Specifications, prepared and stamped by a qualified professional, which describes measures to be followed to control erosion and sedimentation during and after the construction of the proposed subdivision including:

a. TEMPORARY EROSION AND SEDIMENTATION CONTROL:

1.) A site map showing:

- a.) Existing and proposed two foot contours in contrasting lines;
- b.) The limits of areas disturbed by construction;
- c.) The location of roads, lots, buffer strips, topsoil stockpiles, all existing and proposed culverts, ditches, diversions, waterways and subsurface drainage systems; and
- d.) The location of all temporary erosion controls including hay bale barriers, stone check dams, silt fencing, and sedimentation basins.

2.) Calculations, including;

- a.) Stone check dam spacing calculations; and
- b.) Sedimentation basin sizing calculations based on SCS TR-55 or TR-20 storm water runoff calculations using a 10 year, 24 hour storm event with a minimum 10 hour detention time.

b. PERMANENT EROSION CONTROL

1.) A site map showing:

- a.) Existing and proposed two foot contours in contrasting lines;
- b.) The location of roads, lots, culvert, ditches, waterways, diversion, buffer strips, detention basins, subsurface drainage systems, inlet and outlet protection aprons, ditch rip-rapping, and plunge pool; and
- c.) Drainage area and flow lines used for sizing calculations of culverts, waterways, diversions, and ditches.

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

2.) Calculations, including:

- a.) Man-made culvert and ditch capacity calculations based on a 10 year, 24 hour storm. Address overflow during a 25 year, 24 hour storm where the system feeds a detention basin;
- b.) Culvert capacity calculations for natural drainage features are to be based on a 25 year, 24 hour storm;
- c.) A schematic diagram should accompany each culvert capacity calculation. Each schematic should show road crown, inlet invert, and headwater elevation all relative to the outlet invert, including culvert type, length, and diameter;
- d.) Diversion, waterways, outlet protection aprons, plunge pools, and rip-rap sizing calculations based on recommendation by the Maine Erosion and Sedimentation Control Handbook for Construction, Best Management Practices, March 1991; and
- e.) Subsurface drainage systems capacity calculations.

c. DETAIL SHEETS:

1. Plans suitable for bidding and construction, including the following details:

- a.) Grassed and rip-rap ditches, waterways, and diversions;
- b.) Hay bale barriers, silt fences, and stone check dams;
- c.) Culverts, plunge pools, inlet and outlet protection;
- d.) Catch basin and pipe installation;
- e.) Sedimentation basin; and
- f.) Erosion control notes including:
 - i) Disturbed area seed, mulch, lime, and fertilizer types, rates and application methods. Such areas shall be permanently stabilized within 15 days of final grading, or temporarily stabilized within 30 days of initial disturbance of soil. Such areas shall be stabilized within 7 days when located on stream, river or lake watersheds;
 - ii) Schedule outline: erosion control and construction sequence of ponds, roads and ditches, seeding dates, and frequency of erosion and sedimentation control inspections and maintenance;
 - iii) Plans to minimize acreage of disturbed land open at any time;
 - iv) The name, address, and telephone number of the person(s) responsible for inspecting the erosion control measures; and
 - v) Provision to remove temporary erosion control measures.

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

EXHIBIT 11: TRAFFIC IMPACT ANALYSIS

If a Major Subdivision, the application shall be accompanied by a Traffic Impact Analysis, prepared by a registered Professional Engineer experienced in Traffic Analysis, which includes the following:

- a. Estimate of number and types of daily vehicle trips generated by the proposed subdivision;
- b. Travel routes to be utilized by the proposed subdivision from the site to the main thoroughfare;
- c. Duration of traffic movement, generated by the proposed subdivision from the site to the main thoroughfare, both during and after project construction from the site to the main thoroughfare;
- d. Off-site distribution of traffic generated by the proposed subdivision;
- e. Discussion of turning movement at nearby intersections; and
- f. Accident Records on nearby intersections and public roads.

EXHIBIT 12: HIGHWAY ENTRANCE PERMITS

If the subdivision proposes a new entrance(s) onto any State Highway, the application shall be accompanied by a copy of the Entrance Permit(s) issued by the Maine Department of Transportation.

EXHIBIT 13: INTERIOR ROAD DESIGN

All subdivisions will have interior roads, and the application shall be accompanied by the following documents related to the design of such roads:

- a. A typical road cross-section;
- b. If road has a grade greater than five percent (5%) at any point and/or if there are significant cut and fill areas, a Road Profile prepared by a registered Professional Engineer;
- c. When road profiles are required, road cross sections at fifty foot (50') intervals along the profile and at fifty feet (50') in front of and fifty feet (50') past the profile section.
- d. Plan view of each road intersection created by the project which shows the following:
 - 1) Names of the intersecting roads;
 - 2) Speed limits on each of the intersecting roads; and
 - 3) Left and Right sight distances.

EXHIBIT 14: INTERIOR ROAD MAINTENANCE

If the subdivision proposes interior roads, the application shall be accompanied by the following documents related to the maintenance of such roads:

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

- a. If roads are to remain private, a Statement describing provisions to assure their proper long term maintenance and repair; or
- b. If roads are to be dedicated to Town, a Statement describing provisions made to assure their proper maintenance until Town accepts responsibility.

EXHIBIT 15: SEWAGE DISPOSAL - INDIVIDUAL SUBSURFACE DISPOSAL SYSTEMS

If individual subsurface disposal systems are proposed, the application shall be accompanied by a report prepared by a licensed Site Evaluator including:

- a. A Map showing the location of test pits for each lot;
- b. Complete soil profile logs for each test pit; and
- c. Form HHE 200's for each proposed subsurface disposal system.

EXHIBIT 16: SEWAGE DISPOSAL - COMMON SUBSURFACE DISPOSAL SYSTEMS

If a common and/or engineered system is proposed, the application shall be accompanied by a report prepared by a registered Professional Engineer including:

- a. System design drawings and specifications; and
- b. A letter of review and approval from the Division of Health Engineering, Maine Department of Human Services.

EXHIBIT 17: SOLID WASTE GENERATION AND DISPOSAL STATEMENT

If a Minor Subdivision, the application shall be accompanied by a Solid Waste Generation and Disposal Statement indicating the amount of solid waste and sewage sludge likely to be generated by the proposed subdivision and the steps proposed to appropriately dispose of the solid waste and sewage sludge likely to be generated.

EXHIBIT 18: SOLID WASTE GENERATION REPORT

If a Major Subdivision, the application shall be accompanied by a Report, prepared by a qualified professional, calculating the amount of solid waste and sewage sludge likely to be generated by the proposed subdivision.

EXHIBIT 19: SOLID WASTE DISPOSAL FACILITY STATUS AND CONTRACT

If a Commercial Landfill is proposed to be used to dispose of the subdivision's solid waste, the application shall be accompanied by a letter from the Bureau of Land Quality Control of the Maine Department of Environmental Protection confirming the legal status of the commercial landfill and a copy of the contract which covers the hauling and disposal of the subdivision's solid waste for the next five (5) years.

EXHIBIT 20: SLUDGE DISPOSAL FACILITY STATUS AND CONTRACT

If a private/commercial sludge disposal area is proposed to be used to dispose of the subdivision's sludge waste, the application shall be accompanied by a letter from the Bureau of Land Quality Control of the Maine Department of Environmental Protection confirming the legal status of the private/commercial sludge disposal area and a copy of the contract which covers the hauling and disposal of the sludge waste for the next five (5) years.

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

EXHIBIT 21: AESTHETIC, CULTURAL AND NATURAL VALUES IMPACT STATEMENT

If a Minor Subdivision, the application shall be accompanied by a written Statement detailing the presence of any significant historic or archaeologic resources, significant fish and wildlife habitats, significant registered natural/critical areas, or identified scenic resources on or adjacent to the proposed subdivision and steps that have been taken or will be taken to minimize any adverse impact from the proposed subdivision on such significant resources.

EXHIBIT 22: VISUAL RESOURCES IMPACT ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Visual Resources Impact Assessment, prepared by a qualified professional, describing the steps that have been taken and will be taken to reduce the visual impact of the proposed subdivision on surrounding properties and efforts made or to be made to preserve existing elements of the site which contribute to maintenance of scenic character.

EXHIBIT 23: HISTORIC RESOURCES IMPACT ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Letter from the Maine Historic Preservation Commission commenting on any historic sites, structures, or archaeologic sites located on or near the proposed subdivision and, if any, an Historic Resources Impact Assessment, prepared by a qualified professional, describing the steps that have been taken or will be taken to minimize the subdivision's potential impact on any identified structures or sites.

EXHIBIT 24: UNIQUE NATURAL RESOURCES IMPACT ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Letter from the Maine Critical Areas Program commenting on any "rare and irreplaceable natural areas" located on or near the project site and, if any, a Unique Natural Resources Impact Assessment, prepared by a qualified professional, describing the steps that have been taken or will be taken to minimize the subdivisions potential impact on any identified natural areas.

EXHIBIT 25: FISHERIES AND WILDLIFE HABITAT IMPACT ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Letter from the Maine Department of Inland Fisheries and Wildlife commenting on any significant fisheries and/or wildlife habitat located on or near the project site and, if any, a Fisheries and Wildlife Habitat Impact Assessment, prepared by a qualified professional, describing provisions made to minimize the subdivision's potential adverse impact on any of the identified significant fisheries and wildlife habitat.

EXHIBIT 26: COMPLIANCE STATEMENT

If a Minor Subdivision, the application shall be accompanied by a written statement prepared by the applicant or his/her agent describing the steps taken or to be taken to comply with all applicable design, dimensional, and procedural provisions of this Ordinance and to comply with each of the other criteria of approval contained in Section IV of this Ordinance.

EXHIBIT 27: COMPLIANCE MEMO - LOCAL ORDINANCES AND PLANS

If a Major Subdivision, the application shall be accompanied by a Regulatory Compliance Memorandum, prepared by a qualified professional, outlining the project's conformance with the Town's adopted Comprehensive Plan, this Subdivision Ordinance, and other applicable locally adopted Ordinances and regulations.

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

EXHIBIT 28: COMPLIANCE MEMO - STATE AND FEDERAL LAWS AND REGULATIONS

If a Major Subdivision, the application shall be accompanied by a Regulatory Compliance Memorandum, prepared by a qualified professional, outlining the project's conformance with all applicable State and Federal laws and regulations, including copies of the completed applications for all required State and Federal permits and approvals.

EXHIBIT 29: FINANCIAL CAPACITY REPORT

All subdivision applications shall be accompanied by a Financial Capacity Report which shall include the following:

- a. An itemized list of all of the proposed subdivision's estimated planning, design, development, and construction costs; and
- b. If the applicant is a corporation, a copy of the most recent corporate annual report showing sufficient financial capacity to cover the costs associated with completing the proposed subdivision as required and explanatory material interpreting the report; or
- c. If the proposed subdivision is to be personally financed, a bank letter or other documentary evidence demonstrating the availability of sufficient funds to appropriately cover the costs associated with completing the subdivision as required; and
- d. If the proposed subdivision is to be personally financed, a Project Financing Plan including the following:
 - 1) A cash equity commitment of twenty percent (20%) of the estimated costs; plus
 - 2) A financial schedule for the remaining financing; and
 - 3) A letter of commitment for the remaining funding required stating any and all conditions of commitment.

EXHIBIT 30: TECHNICAL ABILITY

All subdivision applications shall be accompanied by the resume of the applicant describing his/her technical ability to undertake the proposed subdivision including any prior experience and appropriate training, and the resumes of all professionals involved in the planning, design, development, and construction of the proposed subdivision, describing their technical and professional training, expertise, experience and special ability to undertake their respective roles in the proposed subdivision.

EXHIBIT 31: SURFACE WATER MANAGEMENT STATEMENT

All subdivision applications shall be accompanied by a Surface Water Management Statement which includes the following:

- a. The name, if known, and location of any flowing water including brooks and streams on or abutting the property;
- b. If the project is within the watershed of a lake or pond, the name of that lake and/or pond;
- c. Description of the general topography of the parcel proposed to be subdivided;

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

- d. Description of how the proposed subdivision will or will not cause any alteration of natural drainage ways including intermittent streams, perennial streams, and vegetated swales;
- e. Identification of any portion of the site subject to ponding or flooding; and
- f. Description of how changes in surface water drainage will affect other properties and how these effects will be controlled.

EXHIBIT 32: SURFACE WATER MANAGEMENT PLAN

If a Major Subdivision, the application shall be accompanied by a Surface Water Management Plan prepared by a qualified professional showing the following:

- a. All existing water bodies, water courses, drainage ways, channels, intermittent and perennial streams within the project site;
- b. The nature, width, and location of proposed easements, rights-of-way, culverts, catch basins or other means of channeling surface/storm water within the proposed subdivision and over adjacent properties;
- c. All proposed vegetative filter/buffer strips;
- d. Pre-development and post-development drainage watersheds with their associated hydraulic length lines; and
- e. Identification of any portion of the site subject to ponding or flooding.

EXHIBIT 33: GROUND WATER RESOURCES IMPACT STATEMENT

If a Minor Subdivision, the application shall be accompanied by a written Statement prepared by the applicant describing the measures taken and to be taken to prevent degradation of existing ground water quality on and adjacent to the proposed subdivision.

EXHIBIT 34: NITRATE ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Hydro-geologic Assessment, prepared by a registered geologist, describing the following:

- a. The presence of sand and gravel aquifers located on or near the project site;
- b. The depth to, direction, and rate of flow of groundwater;
- c. An assessment of the potential of the project for adverse effects to on-site wells, off-site wells, and the quality of adjacent surface waters;
- d. Recommendations for minimizing or eliminating adverse effects from nitrates and nitrites on drinking water supplies and on on-site or adjacent flowing and surface waters; and
- e. Proposals for implementation of recommendations.

EXHIBIT 35: WATER QUALITY BACKGROUND ASSESSMENT

If a Major Subdivision and deemed warranted by the Planning Board, the application shall be accompanied by a Water Quality Background Assessment, prepared by a registered geologist, describing the existing Phosphorous (P), Phosphorous/Potassium/Nitrogen ratio (PKN), Nitrate Ammonia (NH₃-N), Nitrates

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

(NO₃-N), Nitrites (NO₂-N), Sodium (Na), and Chlorine (Cl) levels in on-site and adjacent groundwater and/or surface waters.

EXHIBIT 36: RECOMMENDATIONS FOR MINIMIZING OR ELIMINATING WATER QUALITY IMPACTS

If a Major Subdivision and a Water Quality Background Assessment has been requested, the application shall be accompanied by written Recommendations for Minimizing or Eliminating Water Quality Impacts, prepared by a registered geologist, describing the steps taken and to be taken to minimize or eliminate the adverse effects from existing Phosphorus (P), Phosphorus/Potassium/Nitrogen ratio (PKN), Nitrate Ammonia (NH₃-N), Nitrates (NO₃-N), Nitrites (NO₂-N), Sodium (Na), and Chlorine (Cl) levels in on-site drinking water supplies and on on-site and adjacent groundwater and/or surface waters, including a detailed Implementation Strategy for the implementation of actions recommended.

EXHIBIT 37: FLOOD HAZARD PROTECTION STATEMENT

If any part of the proposed subdivision is located within a one hundred (100) year flood-prone area as shown on Federal Emergency Management Agency's Flood Boundary and Floodway Maps, the application shall be accompanied by a written Statement describing the steps taken or to be taken in the planning design and development of the proposed subdivision to prevent flood damage on-site and to prevent increased flood damage on downstream properties.

EXHIBIT 38: FRESHWATER WETLAND PROTECTION STATEMENT

If the parcel proposed to be subdivided contains within it or abutting it, in whole or in part, any freshwater wetlands, as defined in Title 38, MRSA, Section 480-B, subsection 4, regardless of size, the application shall be accompanied by a Freshwater Wetlands Protection Statement describing the steps taken or to be taken in the planning, design, and development of the proposed subdivision to prevent adverse impact to freshwater wetland values.

EXHIBIT 39: FRESHWATER WETLANDS MAP

If the parcel proposed to be subdivided contains within it or abutting it, in whole or in part, any freshwater wetlands, as defined in Title 38, MRSA, Section 480-B, subsection 4, regardless of size, the application shall be accompanied by a Freshwater Wetlands Map prepared by a State Certified Soil Scientist or Geologist, registered in the State of Maine, based on an on-site investigation, of the parcel showing the location and boundaries of any such freshwater wetlands.

EXHIBIT 40: FLOWING WATERS PROTECTION STATEMENT

If the parcel proposed to be subdivided contains within it or abutting it, in whole or in part, any river, stream or brook as defined in Title 38, MRSA, Section 480-B, subsection 9, the application shall be accompanied by a Flowing Waters Protection Statement describing the steps taken or to be taken in the planning, design, and development of the proposed subdivision to prevent adverse impact on any such rivers, streams, or brooks.

EXHIBIT 41: FLOWING WATERS MAP

If the parcel proposed to be subdivided contains within it or abutting it, in whole or in part, any river, stream, or brook, as defined in Title 38, MRSA, Section 480-B, subsection 9, the application shall be accompanied by a Flowing Waters Map

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

showing the location, configuration, and direction of flow of any such rivers, streams, or brooks.

EXHIBIT 42: STORM WATER MANAGEMENT PLAN

If a Major Subdivision, the application shall be accompanied by a Storm Water Management Plan, prepared by a qualified professional, which includes the following:

a. FOR OFF-SITE WATERSHEDS

- 1) A narrative describing:
 - a) How the proposed site is oriented within the watershed;
 - b) How runoff from the site will affect the watershed hydrography and nearby properties;
 - c) Whether or not it is possible to reduce the watershed peak flow by detaining stormwater runoff on-site; and
 - d) Areas and structures that historically flood or may be affected by increased flows.
- 2) The following maps showing the actual project boundaries and watershed boundaries, sub-area, and flow lines, on each:
 - a) USGS 7.5 minute series quadrangle map; and
 - b) USDA SCS Medium Intensity Soil Survey Map.

b. FOR ON-SITE WATERSHEDS

- 1) Stormwater runoff calculations, modeling pre-development and post-development conditions, using either SCS's TR-55 or TR-20 methodologies, including;
 - a) A narrative describing how the calculations were performed;
 - b) Runoff curve assumptions, consistent with clearing limits legally guaranteed through conservation easements or deed restrictions, etc.;
 - c) Runoff calculations performed for 2, 10, and 25 year, 24 hour storm events; and
 - d) Runoff Curve Number, Time of Concentration, and Travel Time calculations for each sub-area.
- 2) Separate pre-development and post-development maps, each with the following details:
 - a) Existing and proposed two (2) foot contour lines, clearly contrasting;
 - b) Site soils, surveyed at an appropriate level of detail;
 - c) Project and drainage area boundary lines;
 - d) Sub-area boundaries;

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS (continued)

- e) Stormwater time of concentration and time of travel routing lines divided into flow type segments;
 - f) All ponded and wetland areas, existing and proposed;
 - g) All man-made and natural drainage ways;
 - h) All existing and proposed culverts; and
 - i) Locations of all piping systems.
- 3) If calculations indicate that stormwater detention is necessary, the following information is also required:
- a) Detention basin sizing calculations, including stage-storage curves, and outlet velocities;
 - b) Detail and sizing calculations for the outlet and emergency spillway;
 - c) Embankment material specifications with compaction requirements if any type of dike is to be constructed;
 - d) Location of detention and outlet structure shown on the site plan;
 - e) A detail sheet showing plan and cross sectional views of the detention basin, outlet structure, emergency overflow structure, and associated rip-rapped areas; and
 - f) A Narrative describing the operation and maintenance of the detention basin(s) and other assorted structures, during construction and when project is complete. This Narrative should include provisions for excavating accumulated sediments or debris and identify who will have legal responsibility for maintenance.

SECTION XIII: PREPARATION AND SUBMISSION REQUIREMENTS FOR PRELIMINARY AND FINAL SUBDIVISION PLANS

SECTION USER'S GUIDE: This section contains specifications related to the preparation and submission of Preliminary and Final Subdivision Plans.

A. PREPARATION AND SUBMISSION REQUIREMENTS: PRELIMINARY SUBDIVISION PLANS

Preliminary Subdivision Plans shall be prepared and submitted to the Planning Board, through the Code Enforcement Officer, as follows:

1. NUMBER OF COPIES TO BE SUBMITTED

Preliminary Subdivision Plans shall be submitted in ten (10) sets of one or more maps or drawings, printed or reproduced on paper. Ten (10) copies of the Plan(s) reduced to a size of 8 1/2 x 11 inches shall be submitted in addition, ten (10) copies of the application and required exhibits shall be submitted with the Preliminary Plans.

2. SHEET SIZE

Preliminary Subdivision Plans shall be 24 by 36 inches in size, and shall have a margin of two (2) inches outside of the borderline on the left side for binding and a one (1) inch margin outside the border along the remaining sides.

3. PLAN SCALE

Preliminary Subdivision Plans shall be drawn to a scale of within a range of twenty (20) feet to one hundred feet (100) to the inch.

B. INFORMATION TO BE SHOWN ON PRELIMINARY SUBDIVISION PLANS

The following information shall be shown on Preliminary Subdivision Plans:

1. GENERAL INFORMATION

The proposed name of the subdivision, name of the Town, the date the Plan was prepared, true north arrow, graphic map scale, names and addresses of the record owner, applicant, and professional or professional firm who prepared the plan.

2. BOUNDARY SURVEY

A boundary survey of the tract made and certified by a Maine licensed land surveyor prepared in accordance to the Rules set forth by the Maine Board of Licensure for Professional Land Surveyors. Said boundary survey shall include, but not limited to, the following:

- a. Boundary lines of the tract with bearings no less than to the nearest 30 seconds, distances no less than to the nearest 0.01-foot, curve data and any additional information to reproduce the survey mathematically;
- b. Type of monument set or found at each parcel corner;
- c. Rights of way and easements of record within or immediately surrounding the tract.

3. CONTOUR LINES

Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level (NGVD).

SECTION XIII: PREPARATION AND SUBMISSION REQUIREMENTS FOR PRELIMINARY AND FINAL SUBDIVISION PLANS (continued)

4. PROPOSED LOT LINES AND LOT NUMBERS

Proposed lot lines with appropriate dimensions in decimals of a foot and lot areas in square feet for lots smaller than 43,560 square feet in area and in acres to the nearest one hundredth of an acre for lots greater than 43,560 square feet. All proposed lots shall be numbered.

5. EXISTING MAN-MADE FEATURES

The location, names, and widths of existing roads, highways, easements, building lines, parks and other open spaces on or adjacent to the proposed subdivision and the location and size of existing sewers, utility poles, water mains, culverts, other underground utilities and drainage ways on or adjacent to the proposed subdivision.

6. EXISTING NATURAL FEATURES

The location and configuration of existing water bodies, watercourses and wetlands on or immediately adjacent to the parcel prepared by a State Certified Soil Scientist or Geologist, registered in the State of Maine, based on an on-site investigation existing water bodies, watercourses and the cover types (open field, open shrub, wooded, etc.), and other significant physical features, including the location of any trees larger than twenty-four (24) inch diameter at breast height in areas of proposed construction or where clearing of trees will be likely to occur.

7. NAMES OF ADJACENT PROPERTY OWNERS

The names of the owners of record of all abutting properties, including those of any properties directly across and along any existing public road abutting the proposed subdivision.

8. PROPOSED IMPROVEMENTS

The location, names, and widths of any proposed roads, rights-of-way, easements, building lines, common open spaces associated with the proposed subdivision and the location and size of any proposed sewer lines, sewage disposal areas, water mains, wells, culverts and drainage ways associated with the proposed subdivision.

9. PUBLIC IMPROVEMENTS

The location and width of any existing and proposed roads or other public improvements, within the proposed subdivision, shown on the Official Map and/or the Comprehensive Plan, if any.

10. COMMON AND/OR PUBLIC AREAS AND FACILITIES

Identification of all parcels and facilities proposed to be dedicated for common use and/or public ownership and/or use, and the conditions of such dedication and a description of their proposed improvement and management.

11. FLOOD HAZARD AREA BOUNDARIES

If any portion of the subdivision is in a flood-prone area, the boundaries of such areas and the 100-year flood elevation.

12. EXISTING ZONING

The names and boundaries of any existing local zoning designations applicable to the property proposed to be subdivided.

SECTION XIII: PREPARATION AND SUBMISSION REQUIREMENTS FOR PRELIMINARY AND FINAL SUBDIVISION PLANS (continued)

13. SURVEYOR/PLANNER'S CERTIFICATION AND SEAL

The name, signature, registration number, and seal of the land surveyor who prepared the survey and the architect, engineer, or planning consultant who designed the plan.

C. PREPARATION AND SUBMISSION REQUIREMENTS: FINAL SUBDIVISION PLANS

Final Minor and Final Major Subdivision Plans shall be prepared and submitted to the Planning Board, through the Code Enforcement Officer, in the same manner as required for Preliminary Subdivision Plans by subsection A, above.

D. INFORMATION TO BE SHOWN ON FINAL SUBDIVISION PLANS

The same information required to be shown on Preliminary Subdivisions Plans, by subsection B, above, shall be shown on all Final Minor and Final Major Subdivision Plans.

In addition, the following shall be shown on all Final Minor and Final Major Subdivision Plans:

1. FINAL PLAN APPROVAL BLOCK

An Approval Block to record the approval of the Final Plan shall be permanently affixed to Final Minor and Final Major Subdivision Plans and shall read as follows:

APPROVAL BLOCK	
This Subdivision Plan has been approved with conditions by the Dedham Planning Board in accordance with Title 30-A, MRSA, Section 4401, et seq..	
Approved lots may be sold or leased only in accordance with all applicable terms and conditions included in and/or attached to the written Order issued by the Planning Board on / / , and recorded in the Hancock County Registry of Deeds in Book _____ on page _____.	
Signed	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
Date	<hr/>

SECTION XIV: APPLICATION FEES AND TECHNICAL REVIEW ACCOUNT

SECTION USER'S GUIDE: This section contains provisions regarding the various fees required to be submitted with subdivision applications and escrow accounts to be established for assisting with the costs of reviewing the proposed subdivision.

A. APPLICATION PACKET FEE

The Application Packet Fee required to cover printing costs for copies of the Application Form and copies of this Ordinance are as follows:

1. COPIES OF SUBDIVISION APPLICATIONS

The non-refundable fee for copies of the Subdivision Application Form is set in the policy adopted by the Selectmen.

2. COPIES OF ORDINANCE

The non-refundable fee for copies of this Ordinance is set in the policy adopted by the Selectmen.

B. APPLICATION PROCESSING FEES

The Application Processing Fees required to cover the administrative handling costs associated with subdivision review under this Ordinance are as follows:

1. MINOR SUBDIVISIONS

The non-refundable fee must accompany the application of Minor Subdivision Final Plans. The amount of the fee is set by policy adopted by the Selectmen.

2. MAJOR SUBDIVISIONS

The non-refundable fee must accompany the application of Major Subdivision Preliminary Plans. This per residential unit fee is established by policy adopted by the Selectmen.

3. PUBLIC HEARING FEE

The fees required to cover the costs associated with the publication in a paper of general circulation and mailing to all property owners within 300 feet of the proposed subdivision of the required notices for public hearings are listed in the policy established and adopted by the Selectmen. These fees are payable.

C. TECHNICAL REVIEW ACCOUNT

In addition to the fees for copies of the Application and Ordinance and the Application Processing Fee, the applicant shall pay a separate fee per lot or dwelling unit to be deposited in a special account designated for the particular subdivision application, to be used by the Planning Board for hiring independent, consulting, and legal services to review the application. The amount of this fee is established through the fee policy adopted by the Selectmen.

This Technical Review Fee shall be paid prior to the start of the Planning Board's review of the Final Plan of a Minor Subdivision or the Preliminary Plan of a Major Subdivision.

This fee shall be paid in the form of a check made payable to the Town of Dedham and the purpose of the fee shall be clearly indicated on the check. The town shall deposit this fee in a special bank account which is separate and distinct from all other Planning Board and Town accounts.

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

SECTION XIV: APPLICATION FEES AND TECHNICAL REVIEW ACCOUNT (continued)

per lot or dwelling unit additional fee will be equal to the original technical review fee established by policy adopted by the Selectmen.

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

SECTION XV: REVISIONS TO EXISTING PLANS AND TRANSFER OF APPROVAL

SECTION USER'S GUIDE: This section contains provisions related to revisions of previously approved Subdivision Plans.

A. REVISIONS TO EXISTING PLAN

Any application for subdivision approval which constitutes a revision or amendment to a Final Subdivision Plan, which has been previously approved, shall indicate that fact on the application and shall identify the original subdivision being revised or amended and reference the Book and Page in the Registry of Deeds where the plan is recorded.

Applications for revisions to existing plans shall comply with all of the fees, procedural requirements, and submissions required of this Ordinance for their classification.

The Planning Board shall make findings of fact and conclusions of law that the proposed revisions do or do not meet the criteria of approval provided in Section IV.

B. TRANSFER OF APPROVAL

If the transfer in ownership of any approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Planning Board. The new owner shall be required to submit a subdivision plan amendment to the Planning Board for its review and actions.

SECTION XVI: GENERAL PERFORMANCE STANDARDS

SECTION USER'S GUIDE: This section contains general performance standards with which all subdivision proposals submitted for approval pursuant to this Ordinance must comply.

In reviewing applications submitted pursuant to this Ordinance, the Board shall consider the following performance standards and make written findings that each has been met prior to issuing final approval.

A. CONFORMANCE WITH COMPREHENSIVE PLAN

All proposed subdivisions shall be in conformance with the Comprehensive Plan and Policy Statements of the Town and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

B. RELATIONSHIP TO MUNICIPAL SERVICES

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, sewer and water systems, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

C. PRESERVATION AND ENHANCEMENT OF THE LANDSCAPE

The landscape shall be preserved in its natural state insofar as reasonably practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be planted that will define, soften or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and abutting properties in order to enhance the physical design of the proposed development, and to minimize the encroachment of the proposed uses on neighboring land uses.

D. RELATIONSHIP TO SCENIC CHARACTER OF THE NEIGHBORHOOD

Proposed buildings, structures and roads shall be related harmoniously to the terrain and to existing buildings and structures in the vicinity that have a visual relationship to the proposed subdivision, so they will not have an unreasonable adverse effect on the scenic character of the surrounding area, or on scenic resources identified in the 1994 Comprehensive Plan (amended October 5, 1995).

E. RETENTION OF OPEN SPACES AND NATURAL OR HISTORIC FEATURES

1. In any subdivision larger than twenty (20) acres, or more than ten (10) lots or dwelling units, the applicant shall provide at least ten (10) percent of his total area as usable open space. In any subdivision twenty (20) acres or less, or containing ten (10) lots or dwelling units or less, the Board may require the developer to provide at least ten (10) percent of his total area as usable open space. It is desirable that areas reserved for recreation be at least two (2) acres in size and easily accessible from all lots within the subdivision.
2. Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended. For example a site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more roads of at least two hundred (200) feet, and have no major dimensions of less than two hundred (200) feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
3. Where the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area, shall be included in the reserved land. The land so reserved shall be at least 200 feet wide measured perpendicularly from the normal high water mark.

SECTION XVI: GENERAL PERFORMANCE STANDARDS (continued)

4. If the Planning Board determines that the reservation of land for parks and/or recreational purposes would be inappropriate or that the land is not suitable or is insufficient in amount, the Board may waive the requirement of land reservation on the condition that the Applicant deposit a cash payment in lieu of land reservation with the Town Clerk. Such a payment shall be placed in a trust fund to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds and other recreational purposes. The amount of such payment shall be not more than 10% of the appraised market value, including improvements, for each lot approved on the final plan.
5. The Board may require that the development plans include a landscape plan that will show the preservation whenever practicable of any existing trees larger than twenty-four (24) inches diameter 4 feet from the ground, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.

F. LAND NOT SUITABLE FOR DEVELOPMENT

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size for the zone in which the development is located:

1. Land which is situated below the normal high water mark of any water body;
2. Land which is located within the one hundred (100) year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the applicant shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least one (1) foot above the one hundred (100) year flood level. The elevation of filled or made land shall not be considered;
3. Land which is part of a right-of-way, or easement, including utility easements;
4. Land that has been created by filling or draining a pond or wetland;
5. Land that is located within a Resource Protection Zoning Classification;
6. Land consisting of Recent Flood Plain Soil;
7. Any area with sustained slopes of 20% or greater; and
8. Land defined herein as a freshwater wetland.

G. TOPSOIL AND VEGETATION REMOVAL

1. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
2. Except for normal thinning, clearing for approved construction, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require an applicant to take measures to correct and prevent soil erosion in the proposed development.
3. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a water body, and extending one hundred (100) feet inland from all points along the normal high water mark shall be limited in accordance with the clearing of vegetation provisions of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances in effect at the time.

SECTION XVI: GENERAL PERFORMANCE STANDARDS (continued)

H. EROSION AND SEDIMENTATION CONTROL

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance.

1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages.
2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:
 - a. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
 - b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - c. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;
 - d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - e. The disturbed area and the duration of exposure shall be kept to a practical minimum;
 - f. Disturbed soils shall be stabilized as quickly as practicable;
 - g. Temporary vegetation or mulching shall be used to protect disturbed areas during development;
 - h. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
 - i. Until the disturbed area is stabilized, sediment in the run-off water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;
 - j. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Board.
 - k. During grading operations, methods of dust control shall be employed wherever practicable;
 - l. It is the responsibility of any person performing any activity on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible the present state of the stream, water course, swale, floodway or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed; and
 - m. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

I. LOT STANDARDS

1. All the lot configurations should be designed to maximize the use of solar energy on building sites with suitable orientation.

SECTION XVI: GENERAL PERFORMANCE STANDARDS (continued)

2. Lot configuration and area shall be designed to provide for adequate off-road parking and service facilities based upon the type of development contemplated.
3. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
4. Wherever possible, side lot lines shall be perpendicular to the road.
5. The division of tracts into parcels with substantially more than the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the development in the foreseeable future, the development shall be designed to accommodate the extensions of utilities.
6. If a lot on one side of a stream, 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, or road to meet the minimum lot size, unless such lots are established lots of record prior to the adoption of this Ordinance.
7. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum dimensional requirements are prohibited, unless such lots are established lots of record prior to the adoption of this Ordinance.
8. All lots shall have a minimum of four (4) sides.

J. UTILITIES

1. The Board may require electric, cable television, and telephone lines to be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
2. Underground utilities shall be installed prior to the installation of the final gravel base of the road.
3. The size, type, and location of street lights and utilities shall be shown on the plan and approved by the Board.

K. CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation, and meet all other State and Federal requirements. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

SECTION XVII: ROAD DESIGN AND CONSTRUCTION STANDARDS

SECTION USER'S GUIDE: This section contains specific road design and construction standards applicable to all subdivisions requiring approval under this Ordinance.

A. GENERAL REQUIREMENTS

In approving applications submitted pursuant to this Ordinance, the following requirements shall apply:

1. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.
2. Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the town road system and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.

3. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
4. The Board shall not approve any development plan unless proposed roads are designed in accordance with the specifications contained in this Ordinance. Pavement, but not base standards, may be waived in the Rural Resource/Residential (R-3) and Shoreland Residential (R-4) Zones, provided that the developer enters into a legally binding arrangement preventing such gravel road from becoming the responsibility of the Town without three affirmative votes of the Board of Selectmen and prior paving to Town standards. Approval of a Final Plan by the Board, shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.

B. ROAD DESIGN STANDARDS

1. These design standards shall be met by all roads within subdivisions reviewed under this Ordinance, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
2. Roads shall be designed to discourage through traffic within residential developments except where such roads are proposed in the Town's Official Map, Land Use Plan, or Development Plan.
3. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads in this Ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the development. The Planning Board may require that the development plan 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 this Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Town or State.
4. Where a Major subdivision abuts or contains an existing Town Way, no residential lot may have vehicular access directly on to the existing Town Way. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the Town Way.
5. Any development containing ten (10) or more dwelling units or lots shall have at least two (2) road connections with existing public roads, roads shown on an Official Map, or roads on an approved development plan for which performance guarantees have been filed and accepted.

SECTION XVII: ROAD DESIGN AND CONSTRUCTION STANDARDS (continued)

6. The following design standards apply to subdivision roads:

DESCRIPTION	DIMENSION
Minimum Right Of Way Width	50'
Minimum Pavement Width	20'
Shoulder Width	3'
Maximum Grade	8%
Minimum Centerline Radius on Curves	200'
Minimum Tangent Between Curves of Reverse Alignment	200'
Roadway Crown	1/4" /ft.
Angle of all Road Intersections	approximately 90 degrees
Maximum Grade within 75' of Intersections	3%
Minimum Curb Radii at Intersections	25'
Minimum r/o/w Radii at Intersections	10'

7. The centerline of the roadway shall be the centerline of the right-of-way.

8. DEAD END ROADS:

In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Sixty five (65) foot property line radii and fifty (50) foot outer edge of travel way radii. The Board may require the reservation of a twenty (20) foot easement in line with the dead end road to provide continuation of pedestrian traffic or utilities to the next road. The Board may also require the reservation of a fifty (50) foot or greater, easement in line with the dead end road to provide continuation of the road where future subdivision or development is possible.

9. GRADES, INTERSECTIONS, AND SIGHT DISTANCES:

- a. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- b. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

POSTED SPEED (MPH)	15	20	25	30	35	40	45	50	55
SIGHT DISTANCE (FT)	150	200	250	300	350	400	450	500	550

- c. Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table above: Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

SECTION XVII: ROAD DESIGN AND CONSTRUCTION STANDARDS (continued)

- d. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred (200) feet shall be maintained between center lines of side roads.
10. Where installed, curbing shall be granite or bituminous concrete and shall be installed on a thoroughly compacted gravel base of six (6) inches minimum thickness, except bituminous curbing shall be installed on the base course of the pavement. The specified pavement's width above shall be measured between the curbs.

C. ROAD CONSTRUCTION STANDARDS

1. MINIMUM THICKNESS OF MATERIAL AFTER COMPACTION:

ROAD MATERIALS	
AGGREGATE SUB-BASE COURSE Maximum sized stone = 4"	18"
CRUSHED AGGREGATE BASE COURSE	4"
HOT BITUMINOUS PAVEMENT	
Total Thickness	3"
Surface Course	1"
Base Course	2"

2. PREPARATION:

- a. Before any clearing has started on the right of way, the centerline and sidelines of the new road shall be staked or flagged at fifty (50) foot intervals.
- b. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way and all the stumps shall be disposed of in an approved stump dump area.
- c. All organic materials shall be removed to a depth of two (2) feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the subgrade of the roadway. On soils which have been identified by the Town's Consulting Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for aggregate sub-base below.
- d. Side slopes less than or equal to a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Side Slopes greater than 3 to 1 shall be engineered using best management practices, that are acceptable to the Planning Board.
- e. 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.

3. BASES AND PAVEMENT:

- a. Road bases shall be constructed as follows:
 - 1) The Aggregate Sub-base 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 (3) inch square mesh sieve shall meet the following grading requirements:

SECTION XVII: ROAD DESIGN AND CONSTRUCTION STANDARDS (continued)

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the sub-base shall contain no particles of rock which will not pass the six (6) inch square mesh sieve.

If Geotextile Fabric is proposed, or required it shall be installed under the Sub-base Course.

- 2) The Aggregate Base Course shall be screened or crushed 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 (3) inch square mesh sieve shall meet the following grading requirements:

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock which will not pass the two (2) inch square mesh sieve.

- b. 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.
- c. CURBS AND GUTTERS: Road curbs and gutters shall be installed as required by the Board. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.
- d. PAVEMENTS: Minimum standards for the base layer of pavement shall be the M.D.O.T. specifications for plant mix grade B with an aggregate size no more than three quarter (3/4) inch maximum, applied in a two inch (2") minimum compacted thickness.

Minimum standards for the surface layer of pavement shall meet the M.D.O.T. specifications for plant mix grade C with an aggregate size no more than one half (1/2) inch maximum, applied in a one inch (1") minimum compacted thickness.

D. CLEANUP

Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

E. ROAD NAMES, SIGNS, AND LIGHTING

Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town, and shall be subject to the approval of the Board. The developer shall reimburse the Municipality for the costs of installing road name, traffic safety and control signs. Road lighting shall be installed as approved by the Board.

SECTION XVII: ROAD DESIGN AND CONSTRUCTION STANDARDS (continued)

F. DRIVEWAY CULVERTS

The minimum size of any driveway culvert shall be fifteen (15) inches in diameter. The minimum and maximum lengths, respectively shall be twenty four (24) and thirty six (36) feet in length.

G. CERTIFICATION OF CONSTRUCTION

Upon completion of road construction a written certification signed by a professional engineer registered in the State of Maine, approved by the Planning Board, shall be submitted to the Planning Board at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of this Ordinance. "As built" plans may be required by the Planning Board.

SECTION XVIII: BUFFER AND SCREENING STANDARDS

SECTION USER'S GUIDE: This section contains specific standards relating to the buffers and screening required along property lines and Town Ways.

A. SPECIAL BUFFER REQUIREMENTS ALONG TOWN WAYS

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following buffer and screening standards:

1. All areas located along Town Ways, within seventy-five (75) feet of the centerline of such ways, shall be used as buffer areas. Within these buffer areas, the following minimum plantings and buffers shall be required:

BUFFER AREA LOCATION	WIDTH	STRUCTURE	NUMBER PER 100 LINEAR FEET			
			CT	UT	SH	ET
Screening for all one story buildings	20'	N/A	3	7	30	9
Screening for all buildings of two or more stories	20'	N/A	4	12	30	18
Screening of all parking areas which are visible from Town Ways	N/A	Berm	N/A	N/A	18	N/A
Total screening, where required by Planning Board	N/A	Fencing or Berm Wall	N/A	N/A	18	N/A
LEGEND: CT = Canopy Trees UT = Under story Trees SH = Shrubs ET = Evergreen Trees						

2. Unless otherwise specifically indicated by the Board, all plant materials required by the Board under this Ordinance, shall meet the following minimum size standards:

PLANT MATERIAL TYPE	PLANTINGS IN BUFFER AREAS ABUTTING VACANT LANDS	ALL OTHER PLANTINGS
CANOPY TREES Single stem Multi-Stem Clump	1.5 inch caliper 6 feet height	2.0 inch caliper 10 feet height
UNDER STORY TREES	4 feet height	1.5 inch caliper
EVERGREEN TREES	3 feet height	5-7 feet height
SHRUBS Deciduous Evergreen	15 inches height 12 inches height	24 inches height 18 inches height

SECTION XVIII: BUFFER AND SCREENING STANDARDS (continued)

3. All plantings required under this Ordinance shall be of a type and species appropriate for the soil types and climatic conditions in Dedham, Maine.

B. BUFFERS AND SCREENING

1. Buffers in the form of fences, landscaping, berms and mounds shall be required to minimize any adverse impacts or nuisance on the site or on adjacent properties.
2. Buffers shall be considered in or for the following areas and purposes:
 - a. Along property lines, to shield various uses from each other;
 - b. Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night;
 - c. Parking areas, garbage collection areas, and loading and unloading areas; and
 - d. To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
3. Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and public road ways, and to otherwise prevent any nuisances.
4. Exposed storage areas, service areas, exposed machinery installation, sand and gravel extraction operations, truck-loading areas, utility buildings and structures, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge six (6) feet or more in height.
5. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.
6. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and public roadways. When natural features such as topography, gullies, stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.
7. Evergreens can be used as buffers, provided they are planted in two (2) or three (3) rows of staggered plantings. The rows should be seven (7) feet apart and the evergreens planted six (6) feet on center.
8. Fencing and screening shall be durable and properly maintained at all times by the owner.
9. Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
10. All buffer areas shall be maintained in a neat and sanitary condition by the owner.

SECTION XVIII: BUFFER AND SCREENING STANDARDS (continued)

C. PLANT MATERIAL MAINTENANCE BOND REQUIRED

Prior to issuance of any permit, the applicant shall furnish to the Town of Dedham a bond, letter of credit, or other form of security approved by the Board, equal to at least twenty-five percent (25%) of the value of all plantings required under this subsection. The bond shall be binding for a minimum of three (3) years and shall be subject to the condition that required plantings be maintained in accordance with the terms of the Board's approval and in a good and healthy condition.

Notwithstanding the requirement of a bond from the applicant, the owner of any premises approved by the Board under any section of this Ordinance shall have a continuing obligation to maintain required plantings in accordance with the terms of the Board's approval and in a good and healthy condition.

SECTION XIX: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

SECTION USER'S GUIDE: This section contains specific standards relating to the design and construction of storm water management systems.

A. GENERAL PROVISIONS

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following storm drainage design and construction standards:

1. The storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption and/or evaporation of run-off waters shall be utilized to minimize discharges from the site.
2. Surface water runoff shall be minimized and detained on-site if possible or practicable. If it is not practicable to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodway or rights-of-way shall be maintained as nearly as possible. The design basis is a twenty-five (25) year storm.

B. STORM WATER MANAGEMENT DESIGN STANDARDS

1. Adequate provision shall be made for disposal of all storm water generated within the development and any drained ground water through a management system of swales, culverts, under drain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.
2. All components of the storm water management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for the closest reporting station to Dedham, Maine.
3. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches in diameter. The minimum and maximum lengths, shall be based upon common engineering practices that take into account frost protection and future maintenance. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.
4. Catch basins shall be installed where necessary and located at the curb line.
5. Inlets and outlets shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity.
6. The storm water management system shall be designed to accommodate complete watershed drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of twenty-five (25) percent for potential increases in upstream runoff.
7. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The developer shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

SECTION XIX: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS (continued)

8. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

C. STORM DRAINAGE CONSTRUCTION STANDARDS

1. REINFORCED CONCRETE PIPE:

Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

2. CORRUGATED METAL PIPE:

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

3. ABS PIPE:

ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

4. CORRUGATED PLASTIC PIPE:

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

5. MANHOLES:

Manholes shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

6. CATCH BASINS:

Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed with tops which shall conform to the requirements of AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

7. DRAIN INLET ALIGNMENT:

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 an Engineer chosen by the Town. All consultation expenses will be borne by the developer.

SECTION XIX: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS (continued)

8. MANHOLE PLACEMENT:

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

9. CATCH BASIN AND MANHOLE MAINTENANCE:

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 of the road by the Town.

SECTION XX: PROVISION FOR CLUSTER DEVELOPMENT

SECTION USER'S GUIDE: This section allows innovative approaches to housing and environmental design by authorizing the Planning Board to reduce certain requirements of this Ordinance for applications proposing clustered development.

A. PURPOSE

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted by this Ordinance.

In addition, the purpose of allowing Cluster Development shall be to encourage housing development which will result in:

1. Additional open space and recreation areas;
2. A pattern of development which preserves trees, outstanding natural topography and geologic features and reduces soil erosion; and
3. An efficient use of land resulting in small networks of utilities and streets.

B. ALLOWABLE REDUCTION IN REQUIREMENTS

To accomplish the purposes above, the layout and dimensional requirements of this Ordinance may be reduced as follows:

1. The Board may reduce area requirements by not more than fifty percent (50%) but only if a net area at least equal in area to the cumulative lot size reduction is maintained as common or public land;
2. The Board shall not increase building height limitations; and
3. The modification of requirements under this section shall not require a variance and no finding of undue hardship shall be required;

C. PERFORMANCE STANDARDS

All cluster developments approved by the Board must meet the following requirements:

1. All the requirements and standards of this Ordinance, except those dealing with lot layout and dimensions, shall be met.
2. The minimum area of land in a cluster development shall be ten (10) acres.
3. No building shall be constructed on soil types that are poorly drained.
4. Where a cluster development is proposed on a parcel which abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
5. In cluster developments all dwelling units within each cluster shall be connected to a common water supply and distribution system, either public or private.
6. In cluster developments all dwelling units within each cluster shall be connected to a common sewer system or to a central collection and treatment system.
7. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes, and natural drainage areas in accordance with an overall plan for site development and landscaping.

SECTION XXI: ADDITIONAL REQUIRED IMPROVEMENTS

SECTION USER'S GUIDE: This section contains specific information regarding additional site improvements required of all developments approved under this Ordinance.

The following improvements are required for all subdivisions, unless waived by the Board in accordance with provisions of this Ordinance.

A. MONUMENTS

1. Iron pin or stone monuments shall be set at all road intersections and points of curvature.
2. Iron pin or stone monuments shall be set at all corners and angle points of the development boundaries where the interior angle of the subdivision boundaries is one hundred thirty five (135) degrees or less.
3. Stone monuments shall be a minimum of four (4) inches square at the top and four (4) feet in length. After they are set, drill holes, one-half (1/2) inch deep shall locate the point or points described above.
4. All other development boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable permanent monumentation including, but not limited to the following:
 - a. A granite monument;
 - b. A concrete monument;
 - c. An iron pin; or
 - d. A drill hole in ledge.

B. WATER SUPPLY

1. The Board may allow the use of individual wells or a private central water supply system.
2. Dug wells shall be prohibited.
3. When a development is to be served by a central water supply system, the complete supply system, including any required fire ponds and dry hydrants, shall be installed at the expense of the subdivider.
4. If a central water supply system is provided by the developer, the location and protection of the source as well as the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.
5. The applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon a finding by the Board that adequate, alternate firefighting provisions exist or will be built as part of the approved plan. When calculating the minimum water supplies needed for firefighting, generally accepted standards, including but not limited to the 1999 edition of National Fire Protection Association 1231 Water Supplies for Suburban and Rural firefighting, shall be used..

C. SEWAGE DISPOSAL

1. The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown

SECTION XXI: ADDITIONAL REQUIRED IMPROVEMENTS (continued)

as a reserve area for future replacement of the disposal area. The reserve area shall be show in the plan and restricted so as not to be built upon.

2. Disposal areas shall not be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

D. SURFACE DRAINAGE

1. Where a development is traversed by a stream, river, or surface water drainage-way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This surface water management system shall be designed by a Registered Professional Engineer.
2. Drainage easements for existing water courses or proposed drainage ways at least thirty (30) feet wide, conforming substantially with the lines of existing natural drainage, shall be provided and indicated on the Plan.
3. The developer shall provide a statement from a qualified professional that the proposed development will not create erosion, drainage or runoff problems either in the development or in other properties. Where the peak runoff from the development onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.
4. A surface water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section XVII, shall be submitted.

E. WALKWAYS, TRAILS

1. When the subdivision is within the Village Center Zone and abuts any state or town road, or is within two thousand feet (2,000') of a school, the applicant shall install three-foot (3') wide sidewalks, or pedestrian walkways/bikeways. These sidewalks or pedestrian walkways/ bikeways shall be designed to enable pedestrians and bicyclists to travel safely without entering the travel portion of the road.

SECTION XXII: DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND SERVICES

SECTION USER'S GUIDE: This section contains specific provisions regarding the dedication and maintenance of common open space and common services in subdivisions.

A. DEDICATION

1. All common land in subdivisions shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Town.
2. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for utilities or drainage, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land, except drainage easement.
3. The common open space shall be shown on the Final Plan of the proposed subdivision with appropriate notation on the plan to indicate that:
 - a. It shall not be used for future building lots; and
 - b. A part or all of the common open space may be dedicated for acceptance by the municipality or other organization acceptable to the Board.

B. MAINTENANCE OF COMMON SPACE IN SUBDIVISIONS

1. If any or all of the common open space are to be reserved for use by the residents, the by-laws of the proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.
2. Covenants for mandatory membership in the homeowners association setting forth the owners' right, interests, and privileges in the association and the common property, shall be reviewed by the Board and shall be included in the deed for each lot or dwelling.
3. The homeowners' association shall have the responsibility of maintaining the common property unless or until dedication is accepted by the municipality or other organization acceptable to the Board.
4. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.
5. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.

SECTION XXIII: PERFORMANCE GUARANTEES

SECTION USER'S GUIDE: This section contains specific provisions relating to required performance guarantees and how they will be administered.

A. TYPES OF GUARANTEES

With submittal of the application for Final Plan approval for any Major Subdivision, the developer shall provide one of the following performance guarantees for an amount adequate to cover the estimated construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

1. Either a certified check payable to the Town or a savings account or certificate of deposit all naming the Town as owner, for the establishment of an escrow account, as provided for in Section C, below;
2. A performance bond payable to the Town issued by a surety company, approved by the Board of Selectmen and Town Attorney, as provided for in Section D, below;
3. An irrevocable letter of Credit from a financial institution establishing funding for the construction of the development, from which the Town may draw if construction is inadequate, approved by the Board of Selectmen and Town Attorney, as provided for in Section E, below; or
4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed, as provided for in Section F, below.

The conditions and the amount of the performance guarantee shall be determined by the Board with the advice of the Town's Consulting Engineer, Road Commissioner, Municipal Officers and/or Town Attorney.

B. CONTENTS OF GUARANTEE

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

C. ESCROW ACCOUNT

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer.

D. 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 developer, and the procedures for collection by the Town. The bond documents shall specifically reference the subdivision for which approval is sought.

E. 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 development and may not be used for any other project or loan.

SECTION XXIII: PERFORMANCE GUARANTEES (continued)

F. CONDITIONAL AGREEMENT

The Board, at its discretion may provide for the developer to enter into a binding agreement with the Town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no more than two (2) lots be sold or built upon until either:

1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance and the regulations of the appropriate utilities; or
2. A performance guarantee, acceptable to the Town is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Subsection H.

G. 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 or buildings abutting that section of the proposed development's road which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. All dead end roads shall be provided with a permanent or temporary cul-de-sac. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

H. RELEASE OF GUARANTEE

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Town's consulting Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

I. DEFAULT

If, upon inspection, the Town's consulting engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Board of Selectmen, the Board, and the subdivider or developer. The Town of Dedham shall take any steps necessary to preserve the Town's rights.

Failure to construct in accordance with approved plans and specifications shall be a violation of this ordinance and punishable pursuant to title 30-A, MRSA, Section 4452.

J. PRIVATE ROADS

Where the development roads are to remain private roads, the following words shall appear on the recorded plan:

"All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

SECTION XXIV: WAIVERS

SECTION USER'S GUIDE: This section authorizes the Board, under special circumstances, to waive portions of the submission requirements, performance standards and improvements required by this Ordinance and provides that such waiver be granted only with conditions.

A. WAIVER OF SUBMISSION REQUIREMENTS

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements, provided 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 Official Map, the Comprehensive Plan, or any Ordinance.

B. WAIVER OF PERFORMANCE STANDARDS

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the performance standards, unless otherwise indicated in this Ordinance, to permit a more practical and economical development, provided 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 Official Map, the Comprehensive Plan, or any ordinance.

C. WAIVERS OF REQUIRED IMPROVEMENTS

Where the Board makes written findings of fact that due to special circumstances of a particular site 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 to the proposed subdivision or development, it may waive the requirement for such improvements, subject to appropriate conditions.

D. WAIVERS CONDITIONALLY GRANTED

In granting waivers to any of the provisions of this Ordinance in accordance with subsections A, B, and C, above, the Board shall require such conditions as will assure the purposes and objectives of this Ordinance are met.

E. WAIVERS LIMITED

No other waivers of the provisions of this Ordinance may be granted, except as expressly authorized by this section.

F. WAIVER REVOCABLE

All waivers granted by the Planning Board under this Section of the Ordinance are revocable up to the date of Final Plan approval.

SECTION XXV: DEFINITIONS

SECTION USER'S GUIDE: This section contains specific definitions for words and phrases used in this Ordinance.

A. CONSTRUCTION OF LANGUAGE

In this Ordinance, certain terms and words shall be interpreted as follows:

1. The words "persons" and "applicant" includes individuals, firms, associations, corporations, organizations, and similar entities;
2. Words used or defined in one tense or form shall include other tenses or derivative forms;
3. Words in the singular number shall include the plural number and words in the plural shall include the singular number;
4. The masculine gender shall include the feminine and the feminine shall include the masculine;
5. The word "shall" is mandatory;
6. The word "may" is permissive;
7. In case of difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

B. DEFINITIONS

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

1. APPLICANT

The assessed owner or owners of land to be subdivided or person with documented right, title, or interest in the land to be subdivided.

2. CLUSTER 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, as allowed by the Planning Board.

3. COMPLETE APPLICATION

An application presented to the Planning Board which includes (1) receipt for fee paid; (2) completed application form; (3) Planning Board notification stating that all other submissions required herein for that type of application have been received and are satisfactory.

4. COMPREHENSIVE PLAN OR POLICY STATEMENT

Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, MRSA, Section 4311, et seq.

5. CONTIGUOUS LOTS

Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof.

SECTION XXV: DEFINITIONS (continued)

6. DRIVEWAY

Driveway shall mean a private way providing 4-wheel vehicular access from a public way to not more than two lots with buildings thereon.

7. EASEMENT

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

8. ENGINEER

Municipal Engineer or consulting engineer licensed by the State of Maine.

9. ENVIRONMENTALLY SENSITIVE AREAS

Those significant natural, scenic, historic, and archaeological areas which have been identified in the Town of Dedham, Maine.

10. FINAL PLAN

The final drawings on which the applicant's plan of subdivision is presented to the Board or approval and which, if approved, shall be recorded at the Registry of Deeds.

11. FRESHWATER WETLAND

Freshwater Wetlands shall be defined as in Title 38 M.R.S.A., Sec. 480B, Natural Resources Protection Act. According to 1989 statutes, Freshwater Wetlands are defined as follows:

"Freshwater Wetlands" means freshwater swamps, marshes, bogs and similar areas which are:

- a. Often (10) or more contiguous acres, or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres;
- b. 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
- c. Not considered part of a great pond, coastal wetland, river, stream or brook.

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

Delineating standards shall be as per current rules and regulations of the Maine Department of Environmental Protection. Wetland mapping to be submitted as a requirement of this ordinance shall be prepared and signed by a State Certified Soil Scientist or Geologist, registered in the State of Maine.

12. FRONTAGE

The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

- a. A way accepted by or established as belonging to the Town of Dedham, or the State of Maine, provided access is not specifically prohibited;

SECTION XXV: DEFINITIONS (continued)

- b. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan.

Frontage dimensions shall meet or exceed the minimum frontage required by the Town's Zoning Ordinance.

13. HIGH INTENSITY SOIL SURVEY

A Class A soil survey, conducted by a Certified Soil Scientist and prepared according to the standards of the National Cooperative Soil Survey, resulting in a soils map in which the mapping units are single phases of soils series and the mapping units delineated are contrasting soils of one eighth (1/8) acre or less in size.

14. LEGISLATIVE BODY

Board of Selectmen.

15. LOT

Any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clearly separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single-family residence, not intended for human occupancy. Included under this definition of a lot would be apartments, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.

16. MEDIUM INTENSITY SOIL SURVEY

A Class C soil survey, conducted by a Certified Soil Scientist and prepared according to the standards of the National Cooperative Soil Survey, resulting in a soils map in which the mapping units are single phases of soils series and the mapping units delineated are contrasting soils of three (3) acres or less in size.

17. NET ACREAGE

The total acreage available for the subdivision or development, and shown on the proposed subdivision or development plan, minus the area for roads or access and the areas which are unsuitable for development.

18. NGVD

National Geodetic Vertical Datum.

19. NORMAL HIGH WATER ELEVATION OF INLAND WATERS

Along lakes, ponds, and streams, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; along streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

20. OFFICIAL MAP

The maps adopted by the Municipality showing the location of public property, ways used in common by more than two (2) owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

SECTION XXV: DEFINITIONS (continued)

21. OFFICIAL SUBMITTAL DATE

The date upon which the Board issues a receipt indicating that a complete application has been submitted.

22. ONE-HUNDRED-YEAR FLOOD

The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

23. PERSON

Includes an individual, firm, association, partnership, trust, company, corporation, municipal or other local government entity, quasi-municipality, state agency, educational or charitable organization or institution or other legal entity.

24. PLANNING BOARD

The Planning Board of the Town of Dedham, Maine.

25. PLANNING BOARD ORDER

A written decision of the Planning Board including findings of fact, conclusions of law, decisions, and conditions and/or terms of approval, if any.

26. PRELIMINARY SUBDIVISION PLAN

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

27. RECENT FLOOD PLAN SOILS

The following soil series as described and identified by the National Cooperative Soil Survey:

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

28. REPRODUCIBLE COPIES OF FINAL PLAN

Mylars, plastic film, or other durable, permanent, stable based, transparent material upon which Final Subdivision Plans are drawn and upon which the Planning Board signs at the time of final approval.

29. RIGHT-OF-WAY

A street or other area over which is given legal right of passage. A public right-of-way is a way dedicated to the use of the public and accepted for ownership by the Town or other level of government.

30. ROAD

Public and private ways such as Town ways, public rights-of-way, and private rights-of-way.

SECTION XXV: DEFINITIONS (continued)

31. SUBDIVISION

As defined by Title 30-A, M.R.S.A., Section 4401, as the same may be amended from time to time, except that a lot of forty (40) acres or more shall be counted as a lot.

32. SUBDIVISION, MAJOR

Any subdivision containing more than three (3) lots or dwelling units, or any proposed road construction.

33. SUBDIVISION, MINOR

Any subdivision containing not more than three (3) lots or dwelling units and with all lots abutting on an existing public way.

34. TOWN

Town of Dedham, Maine

35. TRACT OR PARCEL OF LAND

All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream or a private road established by the abutting land owners.

WATER BIRD AND BIRD CONTROL ORDINANCE

TOWN OF DEDHAM

Adopted: June 16, 2007

Title:

This ordinance shall be known and may be cited as the “Water Bird and Bird Control Ordinance” of the Town of Dedham.

Section 1. Statement of Fact

The large number of water birds and birds attracted by feeding and baiting in and around public and private swimming areas, parks, and boat launching areas of the lakes and ponds increases the presence of harmful bacteria which present a threat to public health and results in lessened water quality.

Section 2. Purpose

The purpose of this ordinance is to control the feeding and baiting of migratory and non-migratory water birds and birds (hereinafter referred to as “birds” and defined in 4.a) in order to protect the public health and the water quality of the lakes and ponds in Dedham by reducing the amount of fecal matter from these birds deposited in the water and on the adjacent public and private shoreline and waterfront property caused in part by the feeding and baiting of these birds by the public.

Section 3. Prohibited

No person, except the Commissioner of the Maine Department of Inland Fisheries and Wildlife or his designee or the Director of the U.S. Fish and Wildlife Service or his designee in the conduct of waterfowl management practices, shall feed or bait, any migratory or non-migratory birds in or over the water within the Shoreland Protection area in the Town of Dedham as identified in Shoreland Zoning Ordinance of the Town of Dedham.

Section 4. Definitions

The following definitions shall apply unless the context clearly indicates another meaning:

- a. **Water Birds and Birds** shall mean any waterfowl of the family Anatidae (ducks and geese), and/or the family Laridae (gulls), and/or the family Falconidae and Accipitridae (birds of prey) either migratory, non-migratory or resident birds.
- b. **Feeding and Baiting** shall mean the placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled corn, shucked or unshucked corn, wheat or other grains, bread, salt or any other feed or nutritive substances, in any manner or form, so as to lure, attract, or entice birds to, on or over any such areas where such feed items and or materials have been placed, exposed, deposited, distributed or scattered.

Section 5. Enforcement

This ordinance may be enforced by any Animal Control Officer, Code Enforcement Officer, Health Officer or his designee of the Town of Dedham.

Section 6. Penalty

Whoever violates any provision of this ordinance shall be fined as determined by the Selectmen to be recovered, on complaint, to the use of the Town of Dedham. If the Town is the prevailing party in any action brought to enforce this ordinance, the Town must be awarded reasonable attorney's fees, expert witness fees, and costs.

Section 7. Severability

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

WIND TURBINE ORDINANCE

TOWN OF DEDHAM, MAINE

Purpose: The purpose of this ordinance is to regulate the placement and construction of Wind Energy Systems (WES) while preserving the Town's visual character, minimizing environmental impacts and protecting the public health, safety and welfare of the residents of Dedham.

Site Plan Review

- 1) **Permitting Authority:**
 - a) A WES for either residential or non-residential use shall be permitted through the Planning Board.
- 2) **Location:**
 - a) A WES is a permitted use in all districts.
 - b) On lots less than five (5) acres, no more than one (1) WES shall be allowed.
 - c) On lots five (5) acres or more, one (1) WES shall be allowed for every additional five acres (example: a lot totaling 11 acres shall be allowed three WES).
 - d) No more than three (3) WES shall be allowed on any single lot.
- 3) **Setbacks:**
 - a) All parts of a WES shall be setback from all adjoining property lines, roads, easements, right-of-ways (ROW), and habitable structures a minimum distance equal to 150 percent of the height of the tower and blade length (when blades are vertical) as measured from the ground.
 - b) Setbacks from the applicant/property owner's habitable structure can be reduced on a case-by-case basis, as long as other setback requirements can be met. (example: rooftop models)
- 4) **Height:**
 - a) A WES shall have a maximum height of 150 feet as measured from the ground to the tower's highest point.
- 5) **Noise:**
 - a) The WES shall not exceed 45 dBA as measured at the adjoining property lines and habitable structures, except during short-term weather events such as severe wind storms.
 - b) Upon complaint of an abutter, ambient and maximum permitted decibel measurements shall be performed by an agent designed by the Planning Board. The report shall be submitted to the Planning Board for review. The fee for this service shall be paid by the complainant unless the maximum permitted decibel level has been exceeded in which case the owner of the system shall pay the fee.
 - c) If the maximum decibel reading area is exceeded, the installation shall be considered a nuisance and must be corrected within 90 days from notification of the violation and if the violation cannot be corrected, the WES shall be removed or relocated.
- 6) **Scenic/Visual Impact:** The WES shall not unreasonably obstruct the view of habitable structures on abutting or adjacent properties.

- 7) **Submission Requirements:** For all WESs the following submissions shall be required unless waived:

EXHIBIT 1: COMPLETED APPLICATION (provided by the Code Enforcement Officer).

EXHIBIT 2: SITE LOCATION MAP: A USGS quadrangle map (sized to 8 1/2" x 11") of the property on which the WES is proposed, with the general area cross-hatched or otherwise graphically identified.

EXHIBIT 3: TAX MAP: Town of Dedham Property Tax Map (8 1/2" x 11") on which the WES is proposed, with the property cross-hatched or otherwise graphically identified. *Copies of these maps are available at the Town Office.*

EXHIBIT 4: PROJECT DESCRIPTION: Including specific information on the type, size, tower type and height, rotor material and diameter, rated power output, performance, safety and noise, manufacturer, model and serial number of the WES.

EXHIBIT 5: SITE PLAN: On the subject property show the planned location of the WES as well as the location of and distance to:

- a) setback lines
- b) adjoining property lines
- c) roads
- d) easements
- e) ROW's
- f) habitable structures
- g) utility lines
- h) great ponds, streams and wetlands
- i) proposed access roads
- j) significant wildlife habitat
- k) erosion control BMP's

EXHIBIT 6: DESCRIPTION OF NORMAL AND EMERGENCY SHUTDOWN PROCEDURES AND BRAKING SYSTEM: An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

EXHIBIT 7: UTILITY CONTRACT: If connecting to the publicly regulated utility grid is proposed, a copy of the contract between applicant and utility verifying that the proposed connection is acceptable, and/or other evidence making clear that the utility is aware of the proposed connection and finds it acceptable.

EXHIBIT 8: PHOTOGRAPHS: Photographs of the proposed site.

EXHIBIT 9: SCENIC ASSESSMENT: The Planning Board may require a scenic assessment for a WES consisting of one or more of the following;

- a) A visual analysis composed of elevation drawings of the proposed WES and any other proposed structures, showing height above ground level. The analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the site that is intended to lessen the system's visual prominence.
- b) A landscaping plan indicating the proposed placement of the facility on the site; location of existing trees and other significant site features; and the method of fencing, if any.
- c) A narrative discussing the extent to which the WES would be visible from a designated scenic resource, the tree line elevation of vegetation within 100 feet and the distance to the proposed facility from the designated scenic resources noted viewpoints.

EXHIBIT 10: DESIGN STANDARDS:

- a) All components of a WES used to generate electricity including blades and all necessary parts shall not have a diameter of more than 50 feet.
 - b) The minimum distance between the ground and any wind turbine blades of a WES shall be 25 feet as measured at the lowest arc of the blades.
 - c) A WES shall be equipped with both manual and automatic over-speed controls.
 - d) The WES shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it is demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
 - e) The WES shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.
 - f) The WES shall incorporate a non-reflective surface to minimize any visual disruptions.
 - g) All on-site electrical wires associated with the WES shall be installed underground except for 'tie-ins' to any public utility company transmission poles, towers and lines. This standard may be modified by the permitting authority if the project terrain is determined to be unsuitable for underground installation.
 - h) The WES shall not be lighted unless required by the FAA.
 - i) The WES shall not display any permanent or temporary signs, writing, symbols, logos or any graphic representation of any kind except appropriate manufacturer's or installer's identification and warning signs.
- 8) **Abandonment:** A WES which is not generating electricity for twelve (12) consecutive months shall be deemed abandoned and shall be dismantled and removed from the property by the owner with 120 days of receipt of notice from the town. A WES owner may request in writing to the Code Enforcement Officer an extension of up to one (1) year if the owner is actively pursuing the repair of the WES for future use.
- 9) **Enforcement**
- a) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.
 - b) Code Enforcement Officer
 - i. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - ii. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - iii. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

c) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

10) **Definitions:**

WIND ENERGY SYSTEM – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics.

WIND TURBINE – The blades, rotor, and associated mechanical and electrical conversion components mounted on top of the supporting tower.

LOT – A single parcel of land as defined by current state laws.