

2014

# Wilton Maine Selected Ordinances

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# **TOWN OF WILTON BUILDING AND PROPERTY MAINTENANCE ORDINANCE**

## **Section I. Purpose/Scope.**

The purpose of this Ordinance is to set a minimum standard for the condition and maintenance of the exterior of all buildings and structures and the premises surrounding such buildings and structures in the Downtown Village, Commercial, and Residential I zoning areas of the Town of Wilton in order to protect the economic well-being of the town's inhabitants. The appearance of the town as an attractive, well kept, safe, clean community is extremely important to the economic health of its businesses and the corresponding employment opportunities for its residents. Buildings which are not well maintained and which take on an unkempt, dilapidated appearance have a negative, blighting effect not only on the immediately surrounding properties but on the community as a whole and the town's economy. This ordinance is intended to require property owners to maintain their properties in good repair in order to preserve the community's safety and welfare.

## **Section II. Definitions.**

Terms used in this Ordinance shall be defined in the Town of Wilton's Zoning Ordinance and the NFPA Life Safety 101 Code.

## **Section III. Maintenance Required.**

All buildings and structures and all parts thereof in the Downtown Village, Commercial and Residential I Zones shall be maintained in a safe, sanitary and nonhazardous manner. All means of egress, devices, safeguards and equipment shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance ensuring that the property itself may be preserved safely, and so that hazards to the public health and safety are avoided.

## **Section IV. Maintenance Standards for Buildings and Structures.**

a. Each property owner shall keep all exterior components of every principal accessory structure in good repair, including but not limited to walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors and storefronts.

- b. All surfaces shall be maintained free from deterioration, including but not limited to broken glass; loose or missing shingles or siding; crumbling brick, stone and mortar.

#### **Section V. Maintenance Standards for Premises and Yard Areas.**

- a. All premises and yard areas shall be maintained in a safe and sanitary condition, including but not limited to steps, walks, driveways, fences, retaining walls, trees, shrubs. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed.
- b. All yards, courts or lots shall be kept free of accumulations of trash, garbage, refuse, junk or other noxious or offensive material which may cause a fire hazard or may act as a breeding place for vermin or insects, or create a negative impact on neighboring property values.

#### **Section VI. Maintenance After Casualty Damage.**

Any building destroyed by fire or other causes shall be made secure immediately and a permit for demolition or reconstruction shall be obtained within ninety (90) days from the date of the fire or other casualty. Work to either remove or restore a fire damaged building must begin no later than one hundred twenty (120) days from the date of the fire or other casualty.

#### **Section VII. Enforcement, Penalties & Appeals.**

- a. This ordinance shall be enforced by the Code Enforcement Officer (CEO), or his or her designee. The CEO shall notify the violator, serving a written notice by certified mail or by hand delivery. The notice shall explain the nature of the violation and require corrective action within thirty (30) calendar days from the date of receipt of the notice to correct the violation; or seven (7) days for a health and/or safety violation. If community programs are available, i.e., paint bank programs, volunteer removal of materials, etc., CEO may recommend such programs in the notice.
- b. The CEO may offer one (1) special extension per person/per incident of up to 180 days to violators of this ordinance under certain hardship or extenuating circumstances. If a violation is discovered during the winter months (November 1 – April 1) and if winter weather prevents the timely correction of a violation, an extension may be granted. Cases of disability or financial hardship shall also be grounds of an extension. Violators requesting an extension for financial hardship shall be required to prove hardship through financial documentation. These extensions for seasonal, disability, or financial hardship shall be at the discretion of

CEO.

- c. The violator may appeal the CEO's decision to the Town of Wilton's Board of Selectmen. Appeals must be made within seven (7) days of notification by the CEO of a violation. In the case of an appeal, the thirty (30) days allowed to attain compliance shall start the day after the Selectmen have heard an unsuccessful appeal by the alleged violator.
- d. If a violation is not corrected within the time allowed the Town shall pursue all remedies and relief available by law and/or in equity for land use ordinances, including without limitation the remedies and relief provided in 30-A M.R.S.A. § 4452 currently including, without limitation, a minimum penalty of \$100 per day for a specific violation, injunctive relief and reasonable attorney fees, expert witness fees and costs. The Town shall retain all penalties set forth in this ordinance. The CEO may represent the Town in District Court with the written authorization of the Selectmen, pursuant to Rule 80-K. Should the services of the Town Attorney be required the CEO shall first review the case with the Selectmen.

**Section VIII. Severability.**

This Ordinance is adopted pursuant to 30-A MRSA §3001 and 30-A MRSA §3007(2).

**Section IX. Effective Date.**

This Ordinance shall be effective upon adoption by the Town of Wilton and may be amended in accordance with Town requirements for amending ordinances.

Enacted: June 10, 3013

Signed



Diane Dunham, Town Clerk

## **TOWN OF WILTON DISORDERLY PROPERTY ORDINANCE**

### **Section I. Title.**

This chapter shall be known and may be cited as the "Disorderly Property Ordinance of the Town of Wilton."

### **Section II. Purpose and Findings.**

- A. The purpose of this chapter is to protect the health, safety and welfare of the residents of the Town of Wilton by eliminating the proliferation of residences harboring occupants who disturb the peace and tranquility of their neighborhoods.
- B. The Town of Wilton finds that:
  - (1) Chronic unlawful or nuisance activity of various kinds on and near disorderly properties adversely affects the health, safety and welfare of citizens and diminishes the quality of life in neighborhoods where this chronic activity occurs. Chronic unlawful or nuisance activity constitutes a public nuisance and should be subject to abatement.
  - (2) The Town has a substantial and compelling interest in protecting the health, safety and welfare of its citizens and the neighborhoods affected by chronic unlawful or nuisance activity.
  - (3) The processes presently available do not adequately control chronic unlawful or nuisance activity or its detrimental effects on citizens and neighborhoods where such chronic activity occurs.
  - (4) Establishing the proposed regulatory scheme will alleviate the problems created by chronic unlawful or nuisance activity through early intervention by the Chief of Police.

### **Section III. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **PROPERTY**

Any building, dwelling, dwelling unit, rooming house, rooming unit, tent, camping trailer, camping site or other structure or place occupied either temporarily or permanently by human beings.

#### **CHIEF**

The Chief of Police of the Town of Wilton or his/her designee.

**DISORDERLY ACTIVITIES**

Situations created within or in the immediate vicinity of a property by a property's owner, occupants, or tenants, or the invitees of an owner, tenant or occupant, which would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual occupying property in the vicinity of the disorderly activity, including but not limited to loud music; boisterous parties; excessive loud noises; fights within the property or in its vicinity involving occupants of the building or their invitees; occupants of the property or their invitees being intoxicated outdoors in the vicinity of the property; the arrest of occupants or their invitees for activities which constitute either a crime or civil infraction under either state or local law; and other similar activities in the property or outside the property itself.

**DISORDERLY EVENT**

A complaint of a disorderly activity to which the Police Department responds and which the Police Department determines to be substantiated. Multiple responses to a single property which occur within a twelve-hour period shall be counted as a single disorderly event. A subsequent disorderly event shall not be deemed to occur until the Police Department notifies or makes a good faith attempt to notify the owner, by telephone or as provided below, of the previous complaint and response.

**DISORDERLY PROPERTY**

Any property at which the Police Department has substantiated four or more disorderly events in a thirty day time frame.

**OWNER**

The person or persons having the right of legal title to or the beneficial interest in a building or parcel of land, as their interest is recorded in the tax records of the Town of Wilton.

**POLICE DEPARTMENT**

The Police Department of the Town of Wilton.

**Section IV. Prohibition.**

No person shall occupy as owner-occupant or allow another to occupy, as tenant, guest or invitee, a disorderly house or property.

**Section V. Documentation of Complaints.**

The Police Department shall document all responses to complaints of disorderly activities and classify each as either a substantiated disorderly event or unfounded complaint at the sole discretion of the Police Department.

## **Section VI. Notice Of Disorderly Property Designation.**

- (a) Whenever a property has been identified as a disorderly property by the Town, it shall cause written notification of the events which form the basis for that designation to be given to the owner. If the owner has not registered with the Town in accordance with local ordinance, the police may send notice to the address listed on the Town's tax rolls. Such notice shall be sufficient for all legal purposes. The notice shall require the owner to meet with representatives of the Town (including the Police Department) within five business days from the date of the written notification, or such other time as is agreed upon by the Police Chief or his or her designee, to identify ways in which the problems which have been identified will be eliminated.
  
- (b) At the time of said meeting, the owner shall be obligated to provide to the Town the following documentation:
  - (1) A copy of the names of all tenants or other persons authorized to reside or presently residing in the property and the units they occupy.
  - (2) Copies of all leases with tenants residing in the property.
  - (3) Contracts with any property manager or other person responsible for the orderly operation of the property.
  
- (c) The owner shall agree to take effective measures to address the disorderly property, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the Town and shall be implemented within one week of said meeting unless another date is agreed upon by the Police Department. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this division, and the Town may file a complaint in the district court seeking all compensatory and equitable relief permitted by law.

## **Section VII. Enforcement.**

If the owner a) refuses to agree to take effective measures to address the disorderly property, b) takes ineffective measures to address the disorderly property as determined by the Town, or c) fails to implement the agreement reached with the Town to address the disorderly property, the Town may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to state and local laws.

**Section VIII. Cost Of Service For Responses To Disorderly Properties.**

- (a) Whenever the Police Department is required to respond to a situation at a disorderly property, which constitutes the fourth or greater response in any thirty-day period, the owner of the disorderly property shall pay the cost of service for each such response as follows:

For each such response for service the owner shall pay \$50, which shall be in addition to any penalty to which the owner may be subject.

- (b) Failure to pay the cost of service within 30 days after demand therefore shall subject the owner to the penalties provided by state and local laws.
- (c) Charges which become payable hereunder shall be treated as liens on the property in question and shall be enforced in accordance with the provisions of state and local laws.

**Section IX. Violations.**

Any person violating any of the provisions of this chapter or failing or neglecting or refusing to obey any order or notice of the Police Department issued hereunder shall be subject to penalties as provided by state and local laws.

Effective on the date of adoption by the Town of Wilton

Enacted: June 10, 2013

Signed



Diane Dunham, Town Clerk



# **TOWN OF WILTON**

## **Dog Control Ordinance**

**Enacted: June 16, 2014**

**Replaces Town of Wilton Dog Ordinance - March 13, 1972 as amended**

**Amended:**

**Certified by:**



**Name – *Diane Dunham***

**Town Clerk**

**Affix Seal**

**Town of Wilton  
Table of Contents**

**Town of Wilton  
Dog Control Ordinance**

**Article 1. Purpose and Definitions**

**Sec. 1.1. Title**

This Ordinance shall be known as and may be cited as the Town of Wilton Dog Control Ordinance and will be referred to herein as "this Ordinance". This ordinance repeals and replaces the Town of Wilton Dog Ordinance adopted on March 13, 1972 as amended.

**Sec. 1.2. Authority**

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town of Wilton in accordance with the provision of 30-A MRSA §3001 and 7 MRSA §3950.

**Sec. 1.3. Purpose**

The purpose of this ordinance is to protect the health, safety and welfare of Wilton residents by holding dog owners accountable for the acts of their animals without imposing unreasonable restrictions on owners and dogs in their normal activities.

**Sec. 1.4. Administration and Enforcement**

The Municipal Officers, Animal Control Officer, Police Officers, or any other duly appointed agent(s) of the Municipal Officers, shall administer and enforce this Ordinance.

**Sec. 1.5. Definitions**

A. At Large. "At large" shall be intended to mean off the premises of the dog owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain, at "heel", or under command.

B. Dangerous Dog. "Dangerous dog" means a dog as defined in 7 MRSA §3907(12-D), as amended.

C. Dog. "Dog" means a member of the genus and species known as canis familiaris or any canine, regardless of generation, resulting from the interbreeding of a member of

canis familiaris with a wolf hybrid as defined below. For the purpose of this ordinance, the meaning of "Dog" shall include those animals meeting the definition of "Wolf hybrid."

D. Domesticated Animal. "Domesticated animal" means a dog, cat or other animal commonly kept as a companion, and also includes livestock as defined in 7 MRSA, §3907, Subsection 18-A.

E. Owner. "Owner" means any person or persons, firm, association, partnership, corporation or other legal entity amenable to civil process, owning, keeping, harboring, in possession of, or having control of a dog or dogs.

F. Owner's Premises. "Owner's premises" means the residence or residences, including buildings and land and motor vehicles belonging to the owner of the dog.

G. Nuisance. "Nuisance" means excessive and/or habitual barking, howling, or yelping by any dog or dogs.

H. Secure Enclosure. "Secure enclosure" means a fence or structure of at least six feet in height forming or making an enclosure suitable to prevent the entry of children and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner, such as tethering the dangerous dog. The secure enclosure must be locked, be designed with a secure top, bottom and sides, and be designed to prevent the animal from escaping from or reaching through the enclosure. Any fencing material used in the construction of the secure enclosure shall have openings of no more than two inches.

I. Transfer. "Transfer" means to sell, give or otherwise convey ownership or possession of a dog to another person, or to cause a dog to be moved beyond the municipal boundaries.

J. Wolf Hybrid. "Wolf hybrid" means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domesticated dog or wild canid hybrid. Wolf hybrid includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid. Wolf hybrids must also be registered with the Maine Warden Service.

## **Article 2 Dogs**

### **Sec. 2.1. Disturbing the Peace Prohibited**

It shall be unlawful for the owner of a dog to cause or permit such dog to disturb the peace of any person by biting, chasing, or continued barking or howling or in any other manner, or destroy the property of any person.

## **Sec. 2.2 Running at Large Prohibited**

No owner shall cause or permit any dog owned or kept by him, or in his possession or under his control, to run at large within the Town limits. Dogs while on any public way or place shall be under restraint, , which is defined as: controlled by a leash, at "heel", beside a competent person and obedient to that person's commands, within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper. Nothing in the Ordinance shall be held to require the leashing of any dog while on private premises. A leash shall not be more than eight feet long.

When dogs are found running at large and their ownership is known, such dogs need not be impounded but the Town, through its duly authorized agents, may, at its discretion, cite the owners of such dogs to appear in court to answer charges of this Ordinance.

**Sec. 2.3. Impoundment:** Dogs found running at large and the owners are unknown, shall be taken and impounded in a shelter or kennel designated by the Town and there confined in a humane manner according to shelter policy.

## **Sec. 2.4. Duty to Dispose of Feces**

It shall be a violation of this article for any person who owns, possesses, or controls a dog to fail immediately to remove and dispose of any feces left by his or her dog on any street, sidewalk, publicly owned property or private property of another.

## **Sec. 2.5. Violations and penalties**

A person who violates any provision of this Article shall be fined and subject to a civil penalty of at least \$50.00 but not more than \$250.00 for a first violation and not less than \$100 nor more than \$500 for 2 or more violations, pursuant to 7 M.R.S.A. § 3914 as amended. Each day of violation shall constitute a separate violation. All fines shall be paid to the Town. The Municipal Clerk shall deposit any fees and court fines collected pursuant to this Ordinance into a separate account pursuant to 7 M.R.S.A. § 3945. In addition to paying the minimum fine set forth above, the owner shall also be responsible for the Town of Wilton's attorney's fees and costs incurred by the Town in conjunction with the enforcement of any provisions of this ordinance.

## **Article 3. Dog Barking**

### **Sec. 3.1. Purpose**

The purpose of this Article is to regulate dog barking within the Town and to address the problems caused by excessive dog barking.

### **Sec. 3.2. Barking Dogs**

No owner or person having custody of any dog or dogs within the legal limits of the Town shall keep or maintain a dog or dogs which create a nuisance by as defined under Section 1.5(G) of this Ordinance.

An owner who keeps or maintains a dog or dogs whose barking, howling, or yelping sustained for one hour or more, can be heard beyond the boundary of the property on which the dog(s) is(are) located, violates this section.

### **Sec. 3.3. Complaint**

A written complaint from a person or persons disturbed by a barking dog or dogs shall include the date the disturbance began, the description of the disturbance, and the length of time of the disturbance. The complaint must be signed and sworn to the Town's Animal Control Officer and/or any Police Officer representing the Town. Any of the above authorities may investigate and may give written warning to the owner of the violation of this Article, and order that said violation must cease. The written warning shall be made part of the complaint. See attached barking/howling log/statement forms.

### **Sec. 3.4. Violations and penalties**

A person who violates any provision of this Article shall be fined and subject to a civil penalty of at least \$50.00 but not more than \$250.00 for a first violation and not less than \$100 nor more than \$500 for 2 or more violations, pursuant to 7 M.R.S.A. § 3914 as amended. Each day of violation shall constitute a separate violation. All fines shall be paid to the Town. The Municipal Clerk shall deposit any fees and court fines collected pursuant to this Ordinance into a separate account pursuant to 7 M.R.S.A. § 3945.

An owner who allows a dog or dogs to bark, howl, or yelp in violation of this Article, between the hours of 10:00 P.M. and 7:00 A.M. shall be subject to double penalties.

The Municipal Officers, the Animal Control Officer, a Police Officer, or any other duly appointed agent(s) of the Municipal Officers, at their exclusive discretion, may limit the number of violation citations issued within a twenty-four hour period if they determine that the means to abate the dog barking, howling, and/or yelping is beyond the ability or control of the owner to enable them to voluntarily comply in a timely manner within that period.

In addition to paying the minimum fine set forth above, the owner shall also be responsible for the Town of Wilton's attorney's fees and costs incurred by the Town in conjunction with the enforcement of any provisions of this ordinance.

### **Sec. 3.5. Exemptions**

At the exclusive discretion of the Municipal Officers, the Animal Control Officer, a Police Officer, or any other duly appointed agent(s) of the Municipal Officers, the barking of certain dogs may be exempted from this Article, only on an incident by incident basis, including but not limited to: dogs in kennels licensed by the State of Maine under 7 M.R.S.A. §3923-C, livestock guardian dogs, guide dogs, service dogs, herding dogs, rescue dogs, training dogs, therapy dogs, sled dogs, and hunting dogs, if the complaint was filed by a property owner who was previously duly informed through disclosure per section 4-2.12 of this Article or who obtained through other means that equivalent information prior to purchasing the property. Such discretion is intended to give the above authorities the latitude necessary to determine if and when dog barking associated with kennels and the customary uses and behaviors of specialized dogs is a nuisance.

## **Article 4. Dangerous Dogs**

**Sec. 4.1.** It shall be unlawful to own or possess a dangerous dog as defined in Section 1.5(B) of this Ordinance, except as otherwise ordered by a Court. An owner who is given written notice by the town's Animal Control Officer or any duly authorized law enforcement official that the owner's dog is a dangerous dog shall not without further written authorization, sell, give or otherwise convey the ownership or possession of that dog, or cause it to be moved beyond the boundaries of the town, except to or under the care of a licensed veterinarian, animal control officer or law enforcement officer. An owner receiving such notice shall immediately place the dog under confinement for a period of at least ten days and shall promptly obey all rabies detection and control directions of any of the above officials concerning that dog. An owner receiving such notice shall comply with all applicable regulations of the Maine Department of Agriculture and Maine Department of Health and Human Services concerning rabies detection and control.

### **Sec. 4.2. Special Restraint of Dangerous Dogs**

Any dog that has been determined by a court to be a dangerous dog shall be confined to a secure enclosure on the owner's premises. The secure enclosure shall conform to all building setbacks contained within the Town of Wilton Building Ordinance, and shall be subject to inspection by the town's Code Enforcement Officer. The secure enclosure shall in no event encroach any closer than three feet to any mail receptacle or entrance or exit to a house or other building, or driveway, walkway, stoop or stairs leading to a building, home fill pipe or utility meter.

### **Sec. 4.3. Insurance Provision**

The owner of any dog that has been determined by a court to be a dangerous dog shall be required to obtain liability insurance in an amount not less than \$300,000.00 covering



bodily injury or death of any person or animal, or for property damages, resulting from the keeping of the dangerous dog. Coverage shall be obtained within five business days of a court's finding that a dog is dangerous. Proof of coverage must be provided to the town's Animal Control Officer and/or Code Enforcement Officer, and such policy must provide for notification to the town in the event of cancellation or non-renewal for any reason. If the town is notified that coverage has lapsed, the owner shall have twenty-four hours, after notice by the town, to provide evidence of renewal or replacement coverage.

#### **Sec. 4.4. Enforcement and Penalties**

Article 4 shall be enforced by the town's Animal Control Officer and/or Code Enforcement Officer, or any other duly authorized law enforcement official. Any owner found in violation of any of the provisions of this ordinance shall be guilty of a civil violation and shall be assessed the following minimum financial penalty:

First offense: \$500.00

Second offense: \$750.00

Third offense: \$1,000.00

Subsequent offenses(s): \$1,000 per offense

Each day of violation shall constitute a separate offense.

In addition to paying the minimum fine set forth above, the owner shall also be responsible for the Town of Wilton's attorney's fees and costs incurred by the Town in conjunction with the enforcement of any provisions of this ordinance.

#### **Article 5. Severability**

Should any portion of these Articles be found invalid for any reason by a court of competent jurisdiction, then all portions not found invalid shall remain unaffected and continue in full force and effect.

#### **Article 6. Mediation**

In cases where citation(s) under this Article involve disputes between abutter(s) and/or or neighbor(s) and the cited individual(s) regarding violations, these parties are advised to retain the services of a mediator listed by the Court Alternative Dispute Resolution Service (CADRES) at their expense to avoid the possibility of lengthy and costly litigation.

### **Article 7. Kennels**

Any owner(s) who must obtain and maintain licensing by the State of Maine as a kennel under 7 M.R.S.A. §3923-C, must comply with the Town Zoning Ordinance, which regulates where kennels may be located, and the Town Site Review Ordinance, which regulates approvals for such operations. Those who possess kennel licenses and are in compliance with the Town's Zoning Ordinance are not held harmless and are fully subject to this Article.

### **Article 8. Effective Date**

The effective date of this Ordinance is June 16, 2014.



**EXHIBIT 1: Sustained Barking or Howling for One Hour or More**

[illegible]

# **TOWN OF WILTON CONSUMER FIREWORKS ORDINANCE**

## **REGULATING THE USE OF CONSUMER FIREWORKS IN WILTON, MAINE**

(Governing directive - Maine Revised Statute Title 8, Chapter 9-A, Sections 221-237)

### **Section I. Purpose.**

This ordinance governs the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Wilton and of the general public.

### **Section II. Title and authority.**

This ordinance shall be known as the "Town of Wilton Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A § 3001, and the provisions of P.L. 2011, ch. 416, § 5 (effective Jan. 1, 2012), *codified at* 8 M.R.S.A § 223-A.

### **Section III. Definitions.**

As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings:

**Consumer fireworks.** "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

"Consumer fireworks" **excludes:**

- (1). Missile-type rockets, as defined by the State Fire Marshal by rule;
- (2). Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- (3). Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

### **Section IV. Use of Consumer Fireworks.**

- A. No person shall use, display, fire, or cause to be exploded consumer fireworks within the Town of Wilton except on Class I (low) and Class II (moderate) National Fire Danger Rating System Days, as designated by the Maine Forest Service.

- B. No person shall use, display, fire, or cause to be exploded consumer fireworks within the Town of Wilton on Class III (high) National Fire Danger Rating System Days, as designated by the Maine Forest Service without a permit from the Wilton Fire Department.
- C. No person shall use, display, fire, or cause to be exploded consumer fireworks within the Town of Wilton on Class IV (very high) and Class V (extreme) National Fire Danger Rating System Days, as designated by the Maine Forest Service.
- D. No person shall use, display, fire or cause to be exploded consumer fireworks within the Downtown Village Zone or the Residential I Zone.
- E. No person shall use, display, fire, or cause to be exploded consumer fireworks on public property without a permit from the Town of Wilton.
- F. Unless otherwise stipulated in this Ordinance, all use of consumer fireworks shall be in accordance with the provisions of 8 M.R.S.A. § 221-237 and any revisions thereto.

#### **Section V. Seizure, Forfeiture and Disposal of Consumer Fireworks.**

The Town may seize consumer fireworks that the Town has probable cause to believe are used in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal. Fireworks may not be disposed of at the Wilton Transfer Station.

#### **Section VI. Conflicts 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 law, rule or 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 laws or regulations.

#### **Section VII. 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 severable.

#### **Section VIII. Penalties.**

Any person who violates any provision of this ordinance or the permit issued by the Town of Wilton for the use of consumer fireworks, commits a civil violation for which a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) may be imposed for each day such offense continues and the Town's reasonable fees and

expenses, including attorneys fees. Each day such violation occurs or continues to occur shall constitute a separate violation. Any violation of this ordinance may be deemed a nuisance.

**Section IX. Effective Date.**

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

Enacted: June 10, 2013

Signed:

  
Diane Dunham, Town Clerk

# Mailbox Policy for the Municipality of Wilton

For convenience and practicality, mailbox installations have been allowed within the right-of-way of Maine's public highways; however it is important to recognize that such installations have two very important conditions:

- 1) The mailbox must be installed in accordance with applicable standards to ensure that mail can be delivered and that the mailbox does not create an obstacle or safety hazard to those that use or maintain the highway, and
- 2) The mailbox is installed entirely at the owner's risk. In other words, if the mailbox incurs damage during any sort of highway operations or maintenance, the property owner is not entitled to replacement or compensation. In fact, if the mailbox was not installed in accordance with the applicable standards as stated above, the owner may even be held liable for injuries or damages that may have been incurred as a result.

Mailbox design and installation standards are available from several sources, and mailbox owners are expected to consult this information prior to undertaking any mailbox installation or replacement. The following standards have nationwide relevance and were developed in cooperation with one another:

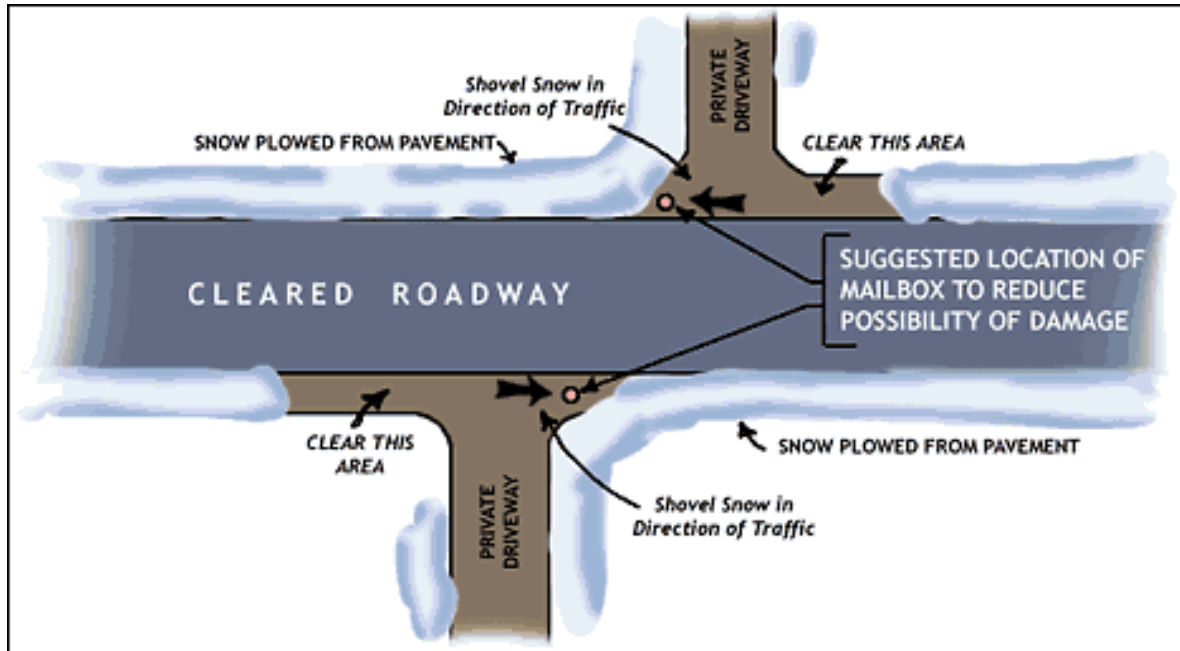
- The United States Postal Service (USPS) Mailbox Guidelines. The USPS defines the standards for mailbox construction, as well as the placement tolerance that must be met to accommodate postal operations. Specifics may be obtained from your local post office or online at: <https://www.usps.com/manage/known-mailbox-guidelines.htm>?
- American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide. The AASHTO Roadside Design Guide, Chapter 11: *Erecting Mailboxes on Streets and Highways* deals with the safety and construction of privately owned mailboxes, mailbox supports, and mailbox turnout designs and is less focused on postal operations. This publication may be obtained online through the AASHTO Bookstore at: [https://bookstore.transportation.org/Item\\_details.aspx?id=1807](https://bookstore.transportation.org/Item_details.aspx?id=1807)

This municipality has developed this policy to promote compliance with these national standards and to help further clarify the expectations and responsibilities of Maine mailbox owners to improve the safety of our roads. The following pages further specify the details associated with the mailbox height, location, offset, and post type to minimize the potential hazards associated with mailbox installations and to reduce the opportunities for damage to mailboxes.

## *Mailbox Installation Standards*

### **General Location:**

Whenever possible, your mailbox should be located after your driveway opening. This location placement improves visibility, minimizes the amount of snow that comes off of the snow plow, and improves the approach for your mail carrier. The diagram below further clarifies this preferred placement:



### **Mailbox Support Design:**

It is best to use an extended arm type of post with a free-swinging suspended mailbox. This allows snowplows to sweep near or under boxes without damage to supports and provides easy access to the boxes by carrier and customers. The following picture shows a free-swinging suspended mailbox:



**Offset:**

Mailboxes should be set back from the edge of the shoulder – regardless of whether the shoulder is gravel or paved. In other words, the face of the mailbox should be at least **one foot (1')** **back from the edge of the normally plowed surface** of the highway or the face of curb. Greater offset distances are encouraged whenever possible to allow the mail carrier to get further out of traffic and to further minimize potential damage to your mailbox. The following picture shows a mailbox with a reasonable offset:



**Height:**

According to USPS standards, a mailbox must be installed with the bottom of the mailbox located between 41” and 45” high above the surface of the highway shoulder. We recommend that this height be closer to the 45” measurement to minimize conflict with the height of the plow truck wing when snow is being pushed back during, or between, winter storms. The following picture further clarifies the height considerations:





### **Post Size, Type and Embedment:**

Mailbox posts must be sturdy enough to hold up the mailbox in all types of weather conditions, however they cannot be so rugged that they present a hazard to vehicles that inadvertently leave the road. If a mailbox support is struck by a vehicle, it must easily break away. Therefore, the following types of posts are deemed acceptable:

- **4" x 4" wooden posts** embedded **2 feet** into the ground. Larger wooden posts may be used only if the post is drilled through with an appropriate spade bit to create a shear plane that is no higher than 6" above the surface of the surrounding ground. The number and size of the drilled holes depends upon what is necessary to bring the cross-section of the larger post down to the equivalent cross-sectional area of a standard 4" x 4" post. (MaineDOT Standard Specification 606.06)
- **1" to 2" round diameter steel or aluminum pipe or standard U-channel post** embedded **2 feet** into the ground.
- Unacceptable mailbox supports include: anything that is filled with concrete, masonry and stone structures, heavy steel structures, and most objects that were intended for other uses (e.g. antique plows, I-beams, and various other household tools and objects).

**NOTICE: Mailboxes, attachments or support systems not consistent with this policy are considered "Deadly Fixed Objects" (aka. "DFOs") and are in violation of 23 MRSA §1401-A on state and state aid roads. On local roads, they can be considered as "obstructions" and a number of statutes relate to these obstructions. As such, when these installations are recognized by the municipality, the owner will be informed of the hazard and immediate removal will be requested. If the property owner does not comply with this request, the municipality may elect to remove the installation and seek reimbursement from the property owner for all costs incurred.**



## **TOWN OF WILTON PARKING AND TRAFFIC ORDINANCE**

- Article I.** Title: This ordinance shall be known and may be cited as the Parking and Traffic Ordinance of the Town of Wilton, Maine.
- Article II** Authority: This ordinance is adopted pursuant to Title 30-A Section 3009 of the Maine Revised Statutes Annotated.
- Article III** Purpose: This ordinance is designed to update existing parking and traffic regulations, thereby allowing better control over vehicle use patterns in Wilton, Maine.
- Article IV** Administration: the Selectmen of Wilton, Maine shall maintain in said Town suitable parking signs and markings indicating time, manner, and place of parking motor vehicles in accordance with the ordinance, and such additional signs and markings as they may deem necessary to control and direct traffic and parking within the municipal boundaries. Ticketing and enforcement shall be carried out by any duly authorized law enforcement officer.

The parking and traffic signs and markings provided for by this ordinance and appearing in any street or way in this Town shall be prima facie evidence that such signs and markings were erected in accordance with the provisions of this Ordinance, and by authority of the Selectmen.

The Board of Selectmen, in responding to parking or traffic problems may establish parking time or motor vehicle size limitations in any area or zone after notice and hearing. Signs shall be posted in areas so limited in such a manner as to notify the public of the limitation.

- Article V** Definitions:
1. The designation of Municipal Officers shall mean a majority of the Board of Selectmen.
  2. The word "Parked" as used in this ordinance shall mean allowing a motor vehicle to remain stationary in or on a highway, public way, street, or other public property whether attended or unattended.
  3. Motor vehicle: Shall mean any self-propelled vehicle not operated exclusively on tracks, including motorcycles, but not including snowmobiles as defined in 12 M.R.S.A. § 1971.
  4. Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a farm tractor and a parking control vehicle.

5. Authorized Emergency Vehicle: Shall mean vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Commissioner of Transportation.
6. The times stated in this Ordinance shall be construed to mean Eastern Standard Time or Eastern Daylight Savings Time according to which time is in force in the Town at the time of an alleged violation.
7. Public Ways: Town or State maintained or owned roads, sidewalks or land.

## **Article VI**

### **General Regulations:**

Sec. 1. No motor vehicle shall be parked:

Within ten (10) feet either side of any fire hydrant.

During specified times in any areas marked as loading zones, other than vehicles servicing the business(es) immediately adjacent to the loading zone(s).

On any highway, public way, street, or other public property between the hours of midnight and 6:00 a.m. year round without written permission from a local law enforcement officer. Exception listed below.

Exception: Weld Road (Rt. 156) from the intersection of Main Street and Weld Road up to the point where the Wilton Town Office is located (158 Weld Road), where parking of registered vehicles will be allowed between the hours of midnight and 6:00 a.m. from April 16 to November 14. Registered vehicles will not be allowed to be parked for any more than four consecutive days in a given spot on the Weld Road, constituting a "storage" of vehicles. There will be no parking between the hours of midnight and 6:00 a.m. from November 15 to April 15 on the Weld Road from the intersection of Main Street and Weld Road to the Wilton Town Office.

Within ten (10) feet of an intersection or junction of any street, highway, crosswalk, driveway, right of way, and public ways, except as otherwise may be indicated. Property owners' private driveways are exempted from the ten foot stipulation.

Fully or partially on any sidewalk.

On any street between any NO PARKING signs.

No person, when parking a vehicle, shall park with the curb on the driver's left side. Exception: Parking with the curb on the driver's left side is allowed on Church Street and Cross Street in East Wilton.

In any space designated for use by handicapped persons, including such spaces within any private parking lot, unless the motor vehicle bears a handicapped plate or placard issued in accordance with 20 MRSA, § 242, 252-A or 252-C.

In any area marked "Fire Lane", including such areas within any privately owned parking lot, unless said motor vehicle is an Authorized Emergency Vehicle, or is operated by a member of the Wilton Fire Department responding to a fire alarm.

Sec. 2 Motorcycles may, at the owners risk, be parked singly or 2 to 3 to a marked parking space, provided that no part of the cycles extend outside of the space markings; in which case the owner of the cycle in violation may be summoned for improper parking.

Sec. 3 Motor vehicles parked parallel with the curb shall be parked within eighteen inches thereof, and within designated parking lines when lines are present.

Sec. 4 Only parking parallel with the course of the street shall be allowed on the streets of Wilton, Dryden, East Wilton, and East Dixfield, except where street markings shall provide for diagonal parking.

Sec. 5 There shall be no double parking of motor vehicles, except that delivery vehicles may, at the discretion of the law enforcement officer on duty, double park only for so long as is necessary for them to be unloaded or loaded or both. Parking of motor vehicles so that either right hand wheel shall be more than two feet from the curb or street edge shall be considered double parking. This provision shall not apply to vehicles properly diagonally parked.

Sec. 6 Any motor vehicle parked contrary to the prohibitions listed in this article or contrary to any other section of this ordinance shall be subject to removal by the authority of a duly appointed law enforcement officer and placed in a suitable parking space, or at the tow company facilities, at the expense of the owner of such vehicle. Neither the Town nor the officer shall be liable for any damage which may be caused by such removal.

Sec. 7. No motor vehicle shall be operated contrary to the posted directions and regulations for entering or exiting municipal parking lots, or private parking lots to which the public has access, or parked contrary to said directions or regulations.

Sec. 8 No U Turns allowed on Main Street from the bridge at Prospect St. to the Weld Road intersection.

Sec. 9 Any person or vehicle owner who is issued any parking ticket in violation of this Ordinance may choose to contest the violation by coming to the Police department and requesting a review. If the person or vehicle owner is not satisfied with the review, then that person can be issued a Civil Citation for a District Court Judge to hear. The person or vehicle owner may be adjudicated a fine of up to \$100.00, plus costs, plus the cost of the original parking ticket.

Sec. 10 No left turn from High Street onto Main Street allowed. Vehicles are to turn right only. Vehicles may go around the monument to reverse direction on Main Street.

## **Article VII    Specific Regulations**

Sec. 1 BASS PARK                      No motor vehicle shall be parked on the grass at Bass Park.

Sec. 2 LAKEFRONT                      No motor vehicle shall be parked in Bass Park or the area between the Lake Road parking area to and including the public boat landing and Canal Street parking area between the hours of 10:00 p.m. and 6:00 a.m. No motor vehicle or recreational vehicle shall be parked at the Pond Road Boat launch between the hours of 10:00 p.m. and 6:00 a.m. without authorization of the Wilton Police.

Sec. 3 MAIN STREET                      No motor vehicle shall be parked on either side of the Main Street from its junction with Lake Road to and including the bridge at Prospect Street.

Sec. 4 MAIN STREET                      Except as further limited by this ordinance, parking by motor vehicles shall be limited to three hours duration along Main Street in Wilton village from the bridge by Prospect St. to the Goodspeed Bridge, between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.

Sec. 5 WILSON STREAM MUNICIPAL PARKING LOT                      No long term storage of vehicles shall be allowed. No parking or storage of recreational vehicles including but not limited to ATV's Snowmobiles, Boats; including storage or parking on the grass area within the Parking Lot area. Winter Parking Rules for plowing purposes shall be approved annually by Selectmen.

Sec. 6 POST OFFICE AND MONUMENT                      Motor vehicles may be parked in front of the Wilton Post Office, conforming to sign and street markings in each case, for fifteen minutes only, during the periods when parking by vehicles on Main Street is limited to three hours.  
No parking adjacent to the Civil War memorial monument.

Sec. 7 PROSPECT STREET                      No motor vehicle shall be parked on either side of Prospect Street.

Sec. 8 HIGH STREET                      No motor vehicle shall be parked on either side of High Street from its intersection with Main Street to a point 250 feet south of the Church. Also, no motor vehicle shall be parked next to the sidewalk in the area of Kineowatha Park at any time, or on the opposite side of High Street in the area of Kineowatha Park between the hours of midnight and 6:00 a.m.

Sec. 9 HIGH STREET MUNICIPAL PARKING LOT No motor vehicle shall be parked in the High Street Municipal Parking Lot between the hours of midnight and 6:00 a.m. No long term storage of vehicles shall be allowed. No parking or storage of recreational vehicles including, but not limited to, ATV's Snowmobiles, Boats; including storage or parking on the grass area within the Parking Lot area. Winter Parking Rules for plowing purposes shall be approved annually by Selectmen.

Sec. 10 CANAL STREET PARKING LOT No motor vehicle shall be parked in the Canal Street Municipal Parking Lot between the hours of midnight and 6:00 a.m. No long term storage of vehicles shall be allowed. No parking or storage of recreational vehicles including, but not limited to, ATV's Snowmobiles, Boats; including storage or parking on the grass area within the Parking Lot area. Winter Parking Rules for plowing purposes shall be approved annually by Selectmen.

Sec. 11 KINEOWATHA PARK No motor vehicle shall be parked along any roadway within Kineowatha Park, except in those areas designated for that purpose.

Sec. 12 DEPOT STREET No motor vehicle shall be parked on either side of Depot Street from its junction with Main Street to Rt. 2 & 4.

Sec. 13 ROUTE 2 & 4 No motor vehicle shall be parked in the breakdown lane on either side of Route 2 and 4 within 250 feet of its intersection with the Munson Road, except in emergency situations.

#### **Article VIII** Illegal Parking Prohibited:

No person shall park motor vehicles contrary to this ordinance and related signs and/or markings. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

#### **Article IX** Traffic Regulations

Sec. 1. NO THRU TRUCKS Lake Road, from Main Street to US Route 2. Commercial size trucks greater than 10,000 GVW are not allowed except: when making deliveries to neighborhood properties, maintaining the road and utilities, and/or responding to emergencies.

McCrillis Corner Road from US Rt. 2 to Rt. 156. To ensure proper use and prevent abuse, the Board of Selectmen may authorize McCrillis Corner Road to be posted temporarily at a limit of 26,000 lbs, effective August 2, 2011 until further notice. (29-A M.R.S.A. § 2395). Selectmen will authorize the Road Commissioner to post the road on an as-needed basis.

**Article X**      **Penalty:**

**ILLEGAL PARKING**      Any person who parks a motor vehicle contrary to this ordinance shall be punished by a fine of not less than \$20.00 nor more than \$100.

**DEFACING SIGNS**      Any person who removes, destroys, damages or defaces any sign or signal erected by or under the direction of the Town of Wilton shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100.00 plus costs. This section does not preclude the Town of Wilton to pursue criminal charges under Title 17A, Section 806, M.R.S.A., in which there may be fines and jail penalties imposed under guidelines set out in Title 17A M.R.S.A.

Any person violating any of the foregoing provisions of this ordinance shall, if they desire to avoid court action, pay the appropriate fees set forth below, by mail or in person to the Wilton Town Office:

1.	Exceeding Time Limit	\$20.00
2.	Parking with 15 ft. of a corner or crosswalk	\$20.00
3.	Parking in a no parking zone	\$20.00
4.	Double parking	\$20.00
5.	Parking left wheel to curb	\$20.00
6.	Obstructing driveway, sidewalk or crosswalk	\$20.00
7.	Improper Parking	\$20.00
8.	Overnight parking	\$20.00
9.	Improper Entry or Exit	\$20.00
10.	Prohibited Zone or Place	\$20.00
11.	Within 10 ft. of fire hydrant	\$50.00
12.	Parking in an Handicap Area	\$50.00

Any person who receives a ticket for a violation of this ordinance and who does not pay the designated fee within 10 days of said violation will be summoned to court for said violation. Payment of the fee within the time allotted obviates court action. In the event of non-payment of said fee a court summons shall be obtained and anyone convicted of a violation of any portion of this ordinance shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

**Article XI**      **Seprability:**      The invalidity of any provision or portion of this ordinance shall not invalidate any other part.

**Article XII**      **Prior Ordinances Repealed:**      Parking and traffic ordinance adopted in the years 1951, 1960, 1968, and 1992 and other Town ordinances and amendments pertaining to motor vehicle traffic and parking are hereby repealed and superseded by this ordinance.

**Article XII**      **Exemptions:**      Authorized Emergency vehicles shall be exempt from the provisions of this Parking and Traffic Ordinance, in accordance with 29 MRSA § 946-C.



Article XIV Effective Date: The effective date of this ordinance shall be June 28, 2011.  
Amended Date: August 2, 2011 – Article IX Traffic Regulations  
Amended Date: October 15, 2013 - Article VI General Regulations, Sec. 10 (added)

A TRUE COPY OF ORIGINAL:

Attest:   
Town Clerk Diane L Dunham





## Sand Policy

The Town of Wilton has sand available for Wilton residents throughout the winter months, November to March. Sand will be located at the Transfer Station, Munson Road, on Tuesday, Saturday and Sunday from 8 a.m. to 2 pm. and Wednesday from 10 a.m. to 5 p.m. Sand will also be located at the Town Office during daylight hours only, during extreme storm conditions if necessary.

Each resident is allowed four buckets of five gallons per day. You must bring your own buckets and a shovel.

Please remember that sand is for residents only. No contractors will be allowed.

# **TOWN OF WILTON**

## **SOLID WASTE MANAGEMENT/RECYCLING ORDINANCE**

### **Section I. Authority.**

1. This ordinance is adopted pursuant to Home Rule powers as granted in Article VII-A of Maine Constitution and Title 30-A, M.R.S.A. Section 3001

2. This ordinance shall be known as the Town of Wilton, Maine, Solid Waste Management/ Recycling Ordinance adopted and effective by vote of the Town Meeting on June 10, 2013. It shall replace the Landfill Recycling Ordinance which was originally adopted on March 7, 1983, and June 22, 1998, and subsequently amended.

### **Section II. Purpose.**

The purposes of this ordinance are to: 1) continue the Solid Waste and Recycling Advisory Committee to aid the Selectmen on the matters pertaining to solid waste management; 2) encourage the recycling of solid wastes to the maximum extent practicable; and 3) establish user fees for wastes which are difficult and/or costly to dispose of or recycle.

### **Section III. Administration.**

The Selectmen of the Town of Wilton will administer and enforce the provisions of this ordinance.

### **Section IV. Applicability.**

This ordinance shall apply to all users of the Wilton Transfer Station/Recycling Facility including residents, property owners, commercial/industrial establishments, and commercial haulers.

### **Section V. Solid Waste and Recycling Advisory Committee.**

1. Purpose: The purpose of the Advisory Committee will be to encourage recycling, educate the public and students, and aid the selectmen in matters relating to solid waste management and recycling. The Committee shall provide a report on the past year's activities to the Selectmen annually, at least 60 days prior to Town Meeting.

2. Appointment: The Selectmen shall appoint at least seven (7) citizens from the Town of Wilton to the Advisory Committee to serve at the will of the Selectmen. The Selectmen shall fill any vacancy that may occur, as necessary to maintain a minimum of seven (7) members.

### **Section VI. Permits.**

All residents, property owners, and businesses must have a vehicle permit for each vehicle delivering all wastes, including recyclable materials, to the Wilton Transfer Station &

Recycling Center. Permits must be displayed as requested by the management at the Transfer Station. The Selectmen may determine, following a public hearing, whether there will be a charge for the permits. Permit holders may only dispose of wastes at the Transfer Station that are generated within the Town of Wilton.

#### **Section VII. Separation.**

A. The Selectmen may determine, based on recommendations of the Advisory Committee and town management, the wastes which will be recycled. Recyclable wastes may include newspapers, corrugated cardboard, plastics, tin, aluminum, clean mixed paper products, including white paper, colored paper, food packaging, etc., and glass bottles. In addition, various other items such as metals, white goods, shingles, wood wastes, and leaf and yard wastes may be included.

B. Wastes, including recyclable materials, shall be deposited in the appropriate location at the facility. The Selectmen, upon recommendation of the Advisory Committee and management, may also determine the manner in which wastes and recyclables shall be prepared for deposit at the facility.

#### **Section VIII. Fees for Failure to Separate Materials:**

Non-separation of recyclable materials from regular waste materials creates additional disposal costs. The Selectmen may set fees, following a public hearing, for the deposition of wastes which contain unseparated designated recyclables.

#### **Section IX. User Fees.**

The Selectmen may establish fees to be charged for the disposal of various items. The Selectmen shall hold a public hearing on the fees prior to implementation.

#### **Section X. Collection of Fees.**

1. The Attendant shall collect any and all fees for waste disposal or recycling established by the Selectmen pursuant to this Ordinance.

2. The Attendant shall report weekly the amount of fees collected and deposit such fees with the Town Manager.

#### **Section XI. Wastes Prohibited.**

No commercial hauler, resident, property owner, or non-resident shall dispose of any wastes at the Wilton Transfer Station that were collected outside of the town of Wilton.

#### **Section XII. Enforcement.**

The Attendant, Transfer Station Manager, Public Works Director or Town Manager shall have the authority to refuse the use of the facility to any person, corporation, or other user who does not conform to the provisions of this ordinance.

### **Section XIII. Penalties.**

Any person or corporation convicted of violating any provision of this ordinance shall be punished by a fine not to exceed One Hundred Dollars (\$100.00) for each violation.

### **Section XIV. Variances and Waivers.**

1. Where the Board of Selectmen finds that extraordinary and unnecessary hardship may result from the strict application of the provisions of this ordinance, it may waive such provisions so that substantial justice may be done and the public interest served.

2. In granting waivers, the Board of Selectmen shall require such conditions as will, in its judgement, substantially secure the objectives of this ordinance.

### **Section XV. Separability.**

If any section, subsection, sentence, clause, phrase, 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.

### **Section XVI. Appeals.**

An appeal may be taken within 30 days from the Board of Selectmen's decision by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

### **Section XVII. Amendments.**

This ordinance may be amended by a majority vote of Town Meeting. Amendments may be initiated by a majority vote of the Board of Selectmen upon the recommendation of the Advisory Committee or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Board of Selectmen shall conduct a public hearing on any proposed amendment.

### **Section XVIII. Definitions.**

In general, words and terms used in the Ordinance shall have their customary dictionary meaning. More specifically, certain words and terms used herein are defined as follows:

1. Commercial Hauler: Any user, either individual or company, which hauls materials to the landfill site for others for a fee.

2. Attendant and Transfer Station Manager: the Selectmen of the Town of Wilton, or the Town employees or agents authorized by said Selectmen, to act in their stead at the Transfer Station/Recycling Facility.

3. Newspaper: Clean dry newspaper.

4. Corrugated paper: Clean, dry, flattened corrugated cardboard boxes and brown paper bags.
5. Glass: Clean glass bottles, jars, jugs, etc. Glass, in this instance, does not include window glass, light bulbs, drinking glasses, porcelain items, mirrors, etc.
6. White Goods: Household appliances including, but not limited to, washing machines, clothes dryers, stoves, and refrigerators.
7. Plastics: Plastic containers which are further identified according to the industry standards.
8. Tin: Clean cans and other containers made of tin or steel.
9. Aluminum: Clean cans, pie plates, and other containers made of aluminum.
10. Paper products: clean mixed paper products, such as computer paper, stationery, copy paper, colored paper, food packaging, paper tubes, etc.

Effective on the date of adoption by the Town of Wilton

Enacted: June 10, 2013

Signed

A handwritten signature in black ink, appearing to read "Diane Z. Dunham". The signature is written in a cursive, flowing style.

Diane Dunham, Town Clerk

**TOWN OF WILTON, MAINE  
STREET STANDARDS ORDINANCE**

**SECTION I. Statement of Purpose**

The purpose of this Ordinance is to promote the health, safety, and public welfare of the residents of Wilton through establishing minimum construction standards for streets.

**SECTION II. Authority, Administration, and Effective Date**

- A. Authority: This Ordinance is enacted pursuant to and consistent with Article VIII-A of the State of Maine Constitution and Title 30-A, M.R.S.A. Section 3001.
- B. Administration: This Ordinance shall be administered by the Planning Board.
- C. Effective Date: The effective date of this Ordinance is its adoption at town meeting on June 18, 2001. Adoption of this Ordinance shall repeal the previously adopted Town of Wilton Road Standards Ordinance. This shall not prevent enforcement of the repealed Ordinance with respect to the time period in which it was in effect.

**SECTION III. Applicability**

- A. New Construction: This Ordinance shall apply to the construction of all new streets within the Town, whether public or private. No street whether newly constructed or existing shall be accepted as a town way unless it meets the provisions of this Ordinance for public streets.
- B. Reconstruction: Reconstruction of a private street shall be consistent with Section VI and Section VII only if it is to be accepted as a town way. When a street is reconstructed by or for the Town of Wilton the standards contained in Section VI and VII may be altered with approval of the Road Commissioner when it is found that it is not practical to comply with one or more of the standards. In making a determination of not practical the Road Commissioner shall consider existing conditions, the impact of the quality of the reconstruction of not complying with the standard or standards and the long term benefit in relation to additional cost.
- C. Higher Design and Construction Standard: Nothing in this Ordinance shall be construed to prevent the design and construction of streets that meet higher standards, use improved materials, or higher quality materials.

**SECTION IV. Application Procedures**

Prior to the construction of any new street or the lengthening of an existing street, the applicant shall request to be placed on the Planning Board's agenda. The completed application form, required fees, and required plans and related information shall be submitted to the Code Enforcement Officer, no less than fourteen (14) days prior to the meeting, who shall forward it to the Chairman of the Planning Board.

In addition, one (1) copy of the plan(s) and all accompanying information shall be mailed by the applicant to each Board member and one (1) copy and all accompanying information shall be mailed by the applicant to the Code Enforcement Officer, Fire Department, and Road Commissioner, no less than fourteen (14) days prior to the meeting. Before granting final approval the Board shall solicit comments from the Code Enforcement Officer, Fire Department and Road Commissioner.

**A. Submission Requirements**

- 1. The name(s) of the applicant(s);
- 2. The name(s) of the owner(s) of record of the land upon which the proposed street is to be located;

A TRUE COPY:

ATTEST:

  
LINDA P. JELLISON TOWN CLERK

Amended 6/13/2005

3. A statement of any legal encumbrances of the land upon which the proposed street is to be located;
  4. The anticipated starting and completion dates of each major phase of street construction; and
  5. A statement indicating the nature and volume of traffic expressed in Average Daily Traffic expected to use the proposed street.
  6. Comments from the Code Enforcement Officer, Fire Department and Road Commissioner.
- B. Plans: The plans and illustrations submitted as part of the application shall be prepared by a Registered Land Surveyor or Professional Engineer to include the following information.
1. The scale of the plan. (All streets and roadway plan and profile drawings shall be drawn to a scale 1" = 50' horizontal and 1" = 5' vertical;
  2. The direction of magnetic north;
  3. A plan profile showing existing grade, finished grade, cross culvert inverts, and typical cross section view of the proposed street;
  4. The starting and ending point with relation to established roads, streets, or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment shall be identified by survey stationing.);
  5. The roadway and roadway limits with relation to existing buildings and established landmarks;
  6. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots, easements, and building lines;
  7. The lots, if any, as laid out and numbered on said street showing the names of all owners of abutting property;
  8. All natural waterways and watercourses in or contiguous to the proposed street that will be affected by the street;
  9. The kind, size, location, profile, and cross-section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways;
  10. A soil erosion and sedimentation control plan showing interim and final control provisions using Best Management Practices;
  11. Curve data for all horizontal and vertical curves shall be the center line radius, central angle, and beginning and end of curve points;
  12. All center line gradients shall be shown and expressed as a percent;
  13. All curve and property line radii of intersections;
  14. The limits and location of any proposed sidewalks and curbing;
  15. The location of all existing and proposed overhead and underground utilities to include, but not limited to, the following: (Note: When a location, in the case of any underground utility, is an approximate, it shall be noted on the plan as such. No underground utilities shall be located within the right of way unless approved by the Selectmen.)

- a. Storm drains;
  - b. Telephone line poles or underground vaults;
  - c. Cable (telecommunication) lines
  - d. Electrical power line poles or underground vaults;
  - e. Street lights.
- 16. The name(s) of each proposed new street.
- 17. Lines or dots in the center line of the proposed street at intervals of every fifty (50) feet beginning at the centerline intersection with the existing street.
- C. Submission Waivers: Where the Board makes written findings of fact that there are special circumstances of a particular application it may waive portions of the submission requirements, unless otherwise indicated by this Ordinance, provided that the applicant has demonstrated that the standards of this Ordinance have been or will be met, the public health, safety, and welfare are protected, and provided that the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan and this Ordinance.
- D. Streets Names: Streets names shall be proposed to the Planning Board by the applicant and approved by the Town of Wilton. Streets that are continuations of existing streets shall be given the same name of the existing street. Names of new streets shall not duplicate nor bear the phonetic resemblance of the names of existing streets within the Town. No street name shall be given the common name of a person. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety, and control signs. Street lighting shall be installed as approved by the Board of Selectmen.
- E. Application Fee: An application fee of \$75.00 shall be paid to the Town of Wilton upon submission of an application. In addition to the application fee, the Planning Board may require the applicant to pay a review fee to cover the costs associated with the review of the application and the inspection of the construction by a professional engineer and/or planner. The Selectmen shall have the authority to review and revise the application fee. The application fee shall be waived if the street is being reviewed as an element of a subdivision application.
- F. Application Review
  - 1. Complete Application: Within thirty (30) days from the date of receipt by the Planning Board, the Board shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make it complete. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Ordinance.
  - 2. Application Approval: The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received the completed application or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.
  - 3. Public Hearing: The Board may hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time, and place of such hearing to be given to the applicant, all property owners abutting the proposed street, and published in a newspaper of general circulation in Wilton at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing.



## SECTION V. Public Acceptance of Streets

The approval by the Planning Board of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the Municipality of the street. Final acceptance of a proposed public street shall be by an affirmative vote at a town meeting. No street shall be accepted as a town way unless it meets the provisions of this Ordinance relating to public streets.

## SECTION VI. Street Design Standards

- A. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with the specifications contained in this Ordinance.
- B. These design standards shall be met by all streets and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
- C. Streets shall be designed to discourage through traffic within a residential subdivision.
- D. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.
- E. When a proposed street or the reconstruction of an existing street will pass a scenic view location as identified in the Town of Wilton Comprehensive Plan, street design shall provide shoulders of suitable width or turn-outs to allow vehicles to safely leave the travelway at the scenic view location.
- F. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a street that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the street marked "Reserved for Street Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements.
- G. Where a major subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the plan and in the deeds of any lot with frontage on the arterial street.
- H. Any street serving 20 dwelling units or more shall have at least two street connections with existing public streets or streets on a subdivision plan for which performance guarantees have been filed and accepted. The Board may waive this requirement to allow for open space development.
- I. A privately-owned street shall not require pavement.
- J. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.

K. The following design standards apply according to street classification:

Description	Collector	Minor	Privately Owned Street <sup>1</sup>	Industrial/ Commercial	Mobile Home Park
Minimum right-of-way width <sup>2</sup>	60 feet	50 feet	50 feet	60 feet	23 feet
Minimum pavement width/travelway width	24 feet	20 feet	20 feet (if paved)	30 feet	20 feet
Minimum pavement radii at intersections/travelway	25 feet	25 feet	25 feet (if paved)	25 feet	N/A
Sidewalk width	5 feet	5 feet	N/A	8 feet	N/A
Minimum grade	.5 percent	.5 percent	.5 percent	.5 percent	.5 percent
Maximum grade <sup>3</sup>	6 percent	12 percent	12 percent	5 percent	10 percent
Minimum centerline radius	200 feet	150 feet	150 feet	800 feet	150 feet
Minimum tangent between curves of reverse alignment	200 feet	100 feet	100 feet	300 feet	100 feet
Roadway crown	¼"/ft.	¼"/ft.	¼"/ft.	¼"/ft.	¼"/ft.
Minimum angle of street intersections	90 degrees	90 degrees	90 degrees	90 degrees	90 degrees
Maximum grade within 75 feet of intersection	2 percent	2 percent	2 percent	2 percent	2 percent
Minimum r-o-w radii at intersections	10 feet	10 feet	10 feet	20 feet	10 feet
Minimum width of shoulders (each side)	3 feet	2 feet	2 feet	5 feet	N/A

<sup>1</sup> Standards for Privately-owned streets in Open Space Subdivisions shall not be required to meet minimum right-of-way width or minimum pavement width/travel way width contained herein.

<sup>2</sup> A five(5) foot snow and utility easement may be required on each side of a fifty foot right of way.

<sup>3</sup> Maximum street grade may equal 15 percent for a distance for not more than 200 feet in any 1,000 of road.

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

M. Dead End Streets: In addition to the design standards above, dead-end streets shall be constructed to provide a circular turn-around, which shall have a minimum inside diameter of 80 feet from outside edge of shoulder to outside edge of shoulder. The use of a hammer-head turn-around may be permitted as an alternative to a cul-de-sac turn-around. In the case of a hammer-head turn-around, the width shall be 30 feet wide and 80 feet long/measured from the center line of the abutting street and shall be located at least 50 feet from the end of the travel way. The Board may require the reservation of a 20-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street.

The Board may also require the reservation of a 60-foot easement in line with the street to provide continuation of the street where future subdivision is possible.

N. Grades, Intersections, and Sight Distances

1. Grades of all streets shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.
3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the street onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.

Posted Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance	250	300	350	400	450	500	550

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

4. Cross (four-cornered) street intersections shall be avoided insofar as possible except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between the centerlines of minor streets and 200 feet between collectors or a collector and minor street.

O. Sidewalks: Where the Planning Board requires the installation of sidewalks, they shall meet these minimum requirements.

1. Bituminous Sidewalks

- a. The gravel aggregate sub-base course shall be no less than 305mm (12 inches) thick after compaction.
- b. The crushed aggregate base course shall be no less than 51mm (2 inches) thick after compaction.
- c. The hot bituminous pavement surface course shall be no less than 51mm (2 inches) after compaction.

2. Portland Cement Concrete Sidewalks

- a. The sand base shall be not less than 6 inches thick after compaction.
- b. The Portland Cement concrete shall be reinforced with 6 inch square, number 10 wire mesh and shall be no less than 4 inches thick.

P. Driveway Entrances:

Entrances shall comply with the provisions of Article 5.20 of the Zoning Ordinance of the Town of Wilton

Q. Common Driveways:

1. Common driveways may serve tow single-family dwelling units. The Code Enforcement Officer shall review and approve all plans for common driveways.
2. The following design and construction standards shall apply to common driveways.

Minimum travel width	12 feet
Minimum angle of street intersections	75 degrees
Maximum grade with 30 feet of intersections	2%

3. Erosion and Sedimentation Control: Adequate provisions shall be undertaken to minimize erosion and sedimentation.
4. Common driveway entrances shall comply with Section N.3 above to the greatest extent practical as determined by the Code Enforcement Officer.

R. Street Openings:

No street openings for underground utilities shall be permitted for a period of five (5) years from the date a public street is paved with a hot bituminous asphalt, except in the case of an emergency as determined by the Road Commissioner.

S. Manholes:

Manholes shall be not less than thirty by thirty (30x30) inches and be of concrete construction. Covers shall be level with the finished grade.

T. Culverts:

Culverts shall be of aluminized Type II steel construction; have a minimum gauge of 16, and a minimum diameter of 15 inches; or Shall be of polyethylene double wall (n-12) corrugated outside with smooth interior and a minimum diameter of 12 inches. All culverts shall have a minimum length of 30 feet for all uses or for any parcel of land on which a new structure will be built; shall be installed so as not to interfere with the existing road drainage; and shall be covered with an amount of gravel equal to or exceeding the diameter of the installed culvert. Culverts shall be sized based on the 25 year storm.

Amended 6/13/2005

## Section VII. Street Construction Standards

### A. Minimum thickness of material after compaction:

	Collector	Minor	Privately Owned Street	Industrial Commercial	Mobile Home Parks
Aggregate Sub-base Course (max. sized stone 6")	24"	18"	18"	24"	18"
Crushed Aggregate Base Course	76 mm (3")	76 mm (3")	76 mm (3")	101.4 mm (4")	76 mm (3")
Hot Bituminous Pavement Total Thickness	89mm (3 1/2")	89mm (3 1/2")	NA	89mm (3 1/2")	NA
Surface Course	38mm (1 1/2")	38mm (1 1/2")	NA	38mm (1 1/2")	NA
Base Course	51mm (2")	51mm (2")	NA	51mm (2")	NA

### B. Preparation

1. Before any clearing has started on the right-of-way, the centerline and cut and fill lines of the new street shall be staked or flagged at 50-foot intervals.
2. Before grading is started, the entire right-of-way width necessary for travelway, shoulders, sidewalks, drainageways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps shall be removed from the travelway, shoulders, sidewalks, and drainageways.
3. All organic materials shall be removed to a depth of 2 feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of 2 feet below the subgrade of the roadway. On soils which have been identified 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 gravel aggregate sub-base in Section VII. C. below.
4. Side slopes shall be no steeper than a slope of 3 feet horizontal to 1 foot vertical and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

### C. Bases and Pavement

1. Bases
  - a. 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 meeting the MDOT Standard Specification [703.06(b) Type D]. Should the amount of 4" stones in the gravel not allow for fine grading a 3" layer of crushed base gravel meeting the MDOT Standard Specification [703.06(a) Type A] shall be required.

2. Pavement Joints: Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
3. Curbs and Gutters
  - a. Street curbs and gutters shall be installed as required by the Board.
  - b. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.
4. Pavements
  - a. Pavement shall be MDOT HMA (Hot Mix Pavement) as specified in Section 401 of the latest revisions of the Maine Department of Transportation, Standard Specifications for Highways and Bridges, or,
  - b. The base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 3/4 inch maximum and the surface layer of pavement shall meet the MDOT specifications for 12.5mm HMA with an aggregate size no more than 1/2-inch maximum.
  - c. The Road commissioner shall have the discretion to determine the proper mix.

#### **Section VIII. Additional Improvements and Requirements**

- A. Erosion Control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- B. Cleanup: Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street 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.
- C. All underground utilities, including those intended to service individual lots, shall be installed prior to paving. Longitudinal runs of water and sewer mains shall be laid outside the street bed and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalk may be contained within the boundaries of the street without obstruction by poles or appurtenances.
- D. Monuments: Monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections or as required by the Board of Selectmen. Monuments shall be of granite or concrete not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground.

#### **SECTION IX. Certification of Construction**

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant certifying that the proposed way meets or exceeds the design and construction requirements of these regulations. "As built" plans shall be submitted to the Municipal Officers.

## SECTION X. Performance Guarantees

- A. Types of Guarantees: With submittal of the application for a street approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs taking into account the time-span of the construction schedule and the inflation rate for construction costs.
1. A certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner for the establishment of an escrow account; or
  2. A performance bond payable to the Town issued by a surety company approved by the Municipal Officers; or
  3. An irrevocable letter of credit, approved by the Municipal Officers, from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate; or
  4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Road Commissioner and Municipal Officers.

- 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, and the Town shall have access to the funds to finish construction and/or stabilize as deemed necessary.
- C. Release of Guarantee: Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- D. Default: If, upon inspection, the inspector finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the inspector who shall inform the Code Enforcement Officer shall so report in writing to the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.
- E. The Road Commissioner may in review of plans and accompanying information determine that the complexity of the construction the services of a professional engineer to inspect construction.
- F. Privately-Owned Roads: Where streets are to remain privately-owned roads, the following words shall appear on the recorded plan.

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

Privately owned roads are not subject to inspection by the Town during construction but must comply with the standards contained in Section VI and Section VII.

## SECTION XI. Inspection

- A. Notification of Construction: At least five (5) days prior to commencing street construction or alteration of roads, the applicant shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction so that the municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction.
- B. Noncompliance With Plan: If it is found upon inspection that the improvements are not being or have not been constructed in accordance with the approved plans and specifications, the inspector shall so report to the Municipal Officers and Planning Board. The Municipal Officers shall then notify the applicant, and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security, or bond.
- C. Modification During Construction: If at any time before or during the construction of the street, it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the street, the appointed inspector may, upon approval of the Board, authorize modifications provided these modifications are within the spirit and intent of the Board's approval. The appointed inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.
- D. Inspection Fee: The Board may assess the applicant a fee to cover the costs of construction inspection.

## SECTION XII. Waivers

- A. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of this Ordinance in order to provide relief from the hardship in question and to permit a more practical and economical development provided, however, that the public health, safety, and welfare will not be compromised and further provided that the waivers in question will not have the intent of nullifying the effect of this Ordinance.
- B. In granting waivers to any provision of this Ordinance in accordance with Section XII.A., the Board shall require such conditions as will assure that the objectives of this Ordinance are met.

## SECTION XIII. Separability

If any section, subsection, sentence, clause, phrase, 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.

## SECTION XIV. Appeals

An appeal may be taken within 30 days from the Board's decision on the application, by any party to the Board of Appeals.

## SECTION XV. Amendments

- A. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
  - 1. The Planning Board, provided a majority of the Board has so voted;
  - 2. Request of the Municipal Officers; or



3. Written petition of a number of voters equal to at least 10 percent of the number of votes cast in the municipality at the last gubernatorial election.
- B. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.
- C. Adoption of Amendment: An amendment of this Ordinance shall be adopted by a majority vote of the Town Meeting.

## SECTION XVI. Definitions

In this Ordinance, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Terms not defined shall have their customary dictionary meaning.

**Arterial Street:** A major thoroughfare which serves as a major traffic way for travel between and through the municipality, such as US Route 2 East and West, Weld Road, Depot Street, US Route 4, Route 133.

**Average Daily Traffic-** The average number of vehicles per day that travel over a specific section of a street or street.

**Collector Street:** A street servicing at least twenty lots or dwelling units, or street which serves as feeder to arterial streets and collector of traffic from minor streets.

**Common Driveway:** A vehicle access way serving two dwelling units

**Existing Public Street:** Streets which are maintained by the Town of Wilton and/or the State of Maine.

**Industrial or Commercial Street:** A street servicing industrial or commercial uses.

**Inspector:** Road Commissioner, Road Foreman, or Professional Engineer.

**Major Subdivision:** A subdivisions with five or more lots or units or any subdivision with a proposed road.

**Minor Street:** A street servicing less than twenty lots or dwelling units.

**Minor Subdivision-** A subdivision with less than five lots or units.

**Privately Owned Street:** A street which is not intended to be dedicated as a townway serving three (3) or more dwelling units.

**Reconstructed:** Reconstructed means the rebuilding of a street or section of a street to improve its serviceability or the rebuilding, including new sub base on more than half the project length, base, pavement, shoulders and ditched of a street or section of a street.

**Repair:** Repair means to take necessary action to fix normal damage or storm damage.

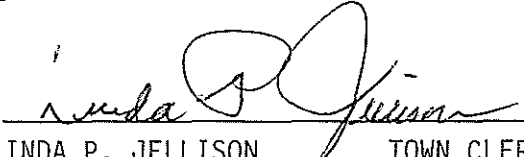
**Reserve Frontage Street:** A street which provides residential frontage other than that on a through traffic street.

**Street:** Public and private ways such as alleys, avenues, highways, roads and other rights-of-way, as well as areas on a subdivision plans designated as rights-of-ways for vehicular access, other than driveways, farm roads or logging roads.

Water Course: Any natural or artificial stream, river, brook, ditch, culvert or drain in which water flows in a definite direction or course, either continuously or intermittently.

JUNE 16, 2005  
WILTON, MAINE

A TRUE COPY  
ATTEST:

  
LINDA P. JELLISON TOWN CLERK

STREET.ORD.6/5/01



TOWN OF WILTON  
SUBDIVISION ORDINANCE  
June 16, 2003, Amended June 19, 2006, Amended June 4, 2012

**ARTICLE I. PURPOSES**

The purposes of this Ordinance are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Wilton, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Wilton, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed subdivision will meet the requirements set forth in the State Subdivision Law.

**ARTICLE II. AUTHORITY, ADMINISTRATION, EFFECTIVE DATE REPEAL OF EXISTING ORDINANCE**

2.1 Authority

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

B. These standards have been prepared in accordance with the provisions of Title 30-A MRSA Section 4403.

C. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of Wilton, Maine."

2.2 Administration

A. The Planning Board of the Town of Wilton, hereinafter called the Board, shall administer these standards.

B. The provisions of these standards shall pertain to all land proposed for subdivision, as defined by this Ordinance, within the Town of Wilton.

2.3 Effective Date

The effective date of this Ordinance is\_\_\_\_\_.

2.4 Repeal of Existing Subdivision Ordinance

Adoption of this Ordinance shall repeal any and all previous subdivision ordinances and regulations. This shall not prevent the enforcement of repealed ordinances or regulations with respect to the time periods in which they were in effect.

2.5 Conflict with Other Ordinances

A. This Ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided, however, that where this Ordinance imposes greater restrictions, its provisions shall control.

2.6 Validity and Severability

A. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

### **ARTICLE III. ADMINISTRATIVE PROCEDURE**

3.1 In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the boards agenda at least seven days in advance of a regularly scheduled meeting by contacting the code enforcement officer. Applicants who attend a meeting but who are not on the Boards agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Boards written agenda.

3.2 Joint Meetings. If any portion of the proposed subdivision crosses the boundary of an adjacent municipality or area under the jurisdiction of the Land Use Regulation Commission, the Board shall meet jointly with that municipality's planning board or the Land Use Regulation Commission to discuss the application.

### **ARTICLE IV. PREAPPLICATION FOR SUBDIVISIONS**

#### **4.1 Submission**

The Pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) of the property proposed for subdivision. The sketch plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.

#### **4.2 Contour Interval and On-Site Inspection**

Within thirty days of the Pre-application meeting, the Board shall hold an onsite inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place "flagging" at the center line of any proposed streets and at the approximate intersections of the street center lines and lot corners, prior to the onsite inspection. The Board shall not conduct on site inspections when there is more than one foot of snow on the ground.

#### **4.3 Ownership Interest**

The applicant shall furnish to the Board written evidence showing his interest (option, contract for sale, etc.) in the property to be subdivided.

#### **4.4 Rights not Vested.**

The pre-application meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., 302.

#### **4.5 Establishment of File.**

Following the pre-application meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application shall be maintained in the file.

### **ARTICLE V. REPEALED**

## **ARTICLE VI. PRELIMINARY PLAN FOR SUBDIVISION**

### **6.1 Procedure**

A. Within six months after the on-site inspection by the Board, the applicant shall submit to the Code Enforcement Officer an application for approval of a Preliminary Plan at least seven (7) days prior to a scheduled meeting of the Board. Failure to submit an application within six months of the on-site inspection shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan should approximate the layout shown on the Sketch Plan and recommendations made by the Board. The Board shall provide the applicant with a dated receipt of a Preliminary Plan application at the Board meeting where the Preliminary Plan application is first presented and heard by the Board.

B. All applications for final plan approval for a Subdivision shall be accompanied by a non-refundable application fee of \$25 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of \$50 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application, if necessary. If the balance in the special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional \$25 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$25 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final application by the Board shall be returned to the applicant. An additional fee may be required to cover the cost of advertising for a public hearing.

C. The applicant, or the applicant's duly authorized representative, shall attend the meeting of the Board to present the final plan. Failure to attend the meeting to present the final plan shall result in a delay of the Boards receipt of the plan until the next meeting which the applicant attends.

D. Upon receipt of an application for preliminary plan approval of a subdivision, the Board shall notify in writing all owners of abutting property to the proposed subdivision.

E. Within thirty (30) days of the Board issuing a receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

F. The Board shall hold a public hearing on the preliminary plan application within thirty (30) of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Wilton.

G. The Board shall, within sixty days of a public hearing, or within another time limit as may be otherwise mutually agreed upon by the Board and the applicant, make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

H. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

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

I. Approval of a preliminary plan shall not constitute approval of the Final Plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, as a result of the further study of the proposed subdivision or as a result of additional information received, the Board may require additional changes deemed necessary or other conditions to be met so that the final plan will satisfies all of the approval criteria set forth in this Ordinance or in 30-A M.R.S.A. Section 4404 for subdivision approval.

## **6.2 Submissions**

A. Location Map: The preliminary plan shall be accompanied by a location map adequately showing the relationship of the proposed subdivision to the adjacent properties. This will allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Locations and names of existing and proposed streets.
2. Boundaries and designations of any zoning districts.
3. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted cover only a portion of the owner's entire contiguous holding.

B. Preliminary Plan: The Preliminary Plan shall be submitted in four copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivision containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) which may be reduced to a size of 8 ½ by 11 inches, and all accompanying information shall be submitted to the Code Enforcement Officer so that copies can be mailed by the Code Enforcement Officer to each Board member. Upon the finding of a complete application the applicant shall provide the Code Enforcement Officer with copies of the reduced size plan to be provided to the Fire Department, Police Department, Rescue Chief, Road Commissioner, Sewer and Water Departments, Public Works Department and Superintendent of Schools for their comments and/or suggestions. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:

1. Proposed name of the subdivision or identifying title and the name of the municipality, in which it is located, plus the tax assessor's map and lot numbers.
2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
3. A copy of the deed from which the survey was based and proof of right, title or interest. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
4. A copy of any proposed deed restrictions, covenants or agreements intended to cover all or part of the lots in the subdivision.



5. Indication of the type of sewage disposal to be used in the subdivision.

a. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a licensed site evaluator and in compliance the Maine Subsurface Waste Water Disposal Rules shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

b. When sewage disposal is to be accomplished by connection to the Town of Wilton sewer system, a written statement from the Sewer Department stating it has the capacity to collect the wastewater shall be provided.

c. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and any part of the subdivision is located over a sand and gravel aquifer identified as a Significant Sand and Gravel Aquifer by the Maine Geological Survey.

6. Indication of the type of water supply system(s) to be used in the subdivision.

a. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

b. When water is to be supplied by public water supply, a written statement from the Water Department Superintendent shall be submitted indicating there is adequate supply and pressure for the subdivision and that the department approves the plans for extensions where necessary. Where the department's supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants if any, and a written statement from the water department superintendent approving the design of the extension shall be submitted.

7. The date the plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, sub divider, and individual or company who prepared the plan. The plan(s) shall be stamped or sealed by a professional engineer, surveyor or planner, or all of them, as the case may be.

8. A copy of that portion of the county soil survey covering the subdivision along with soil descriptions and interpretations. When the county soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submission of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.

9. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.

10. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
11. A soil erosion and sedimentation control plan which employs the Best Management Practices as contained in the Maine Erosion and Sediment Control Handbook for Construction.
12. A plan for the disposal of surface waters prepared by a qualified professional knowledgeable in surface drainage.
13. The location of any fresh water wetlands.
14. The location of river, stream or brook within or abutting the proposed subdivision.
15. The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife.
16. Any portion of the subdivision which is located within the watershed of a lake or pond shall be identified.
17. If the proposed subdivision is in the direct watershed of a great pond a phosphorous control plan is needed, as described in section 10.9.
18. The location of any zoning districts affecting the subdivision.
19. The location of known archaeological resources.
20. Identification of documented rare and endangered species identified by the state or federal governments and measures to protect them.
21. The location of documented historic buildings and sites on or adjacent to the site and measures, which will be taken to minimize impacts upon the buildings and sites.
22. The location of scenic sites or views as identified in the Town of Wilton Comprehensive Plan.
23. Statement of the applicant's technical and financial capacity to carry out the project as proposed.
24. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features shall be shown on the plan.
25. The location and size of existing and proposed sewers, water mains, culverts, and drainage way on or adjacent to the property to be subdivided.

26. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

27. The proposed lot lines with approximate dimensions and lot areas.

28. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

29. The location of any open space to be preserved and a description of proposed ownership, improvement and management.

30. A traffic impact analysis prepared by a Professional Engineer when required by the Board.

31. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.

## **ARTICLE VII. FINAL PLAN FOR SUBDIVISION**

### **7.1 Procedure**

A. The applicant shall, within 12 months after the approval of the preliminary plan, file with the Code Enforcement Officer an application for approval of the final plan. If the application for the final plan is not submitted within 12 months after preliminary plan approval, the Board may refuse without prejudice to act on the final plan, and require resubmission of the preliminary plan. The final plan shall approximate the layout shown on the preliminary plan, plus recommendations made by the Board. The Board shall provide the applicant with a dated receipt of a final plan application at the Board meeting where the final plan application is first presented and heard by the Board.

B. The applicant, or the applicant's authorized representative, shall attend the meeting of the Board to present the final plan. Failure to attend the meeting to present the final plan shall result in a delay of the boards' receipt of the plan until the next meeting which the applicant attends.

C. Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application form, the Board shall notify the applicant in writing as to whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

D. The Board shall hold a hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior

to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Wilton.

E. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article XII.

F. Within sixty days from the public hearing the Board shall make findings of fact, and conclusions relative to the standards contained in Title 30-A M.R.S.A. §4404 and in this Ordinance. If the Board finds that all standards of the Statute and this Ordinance have been met, they shall approve the final plan. If the Board finds that any of the standards of the Statute and this Ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

## **7.2 Submissions**

A. The Final Plan shall consist of two reproducible, stable-based transparent originals embossed with the seal of the professional who prepared the plan. One will be recorded at the Registry of Deeds, the other will be filed at the Municipal Office and four copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch shall be provided to the Board. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of one half inch along all sides. Space shall be provided for endorsement by the Board. Four copies of all information accompanying the plan shall be submitted. In addition, one copy of the plan(s) which may be reduced to a size of 8 ½ by 11 inches, and all accompanying information shall be submitted to the Code Enforcement Officer so that copies can be mailed by the Code Enforcement Officer to each Board member. Upon the finding of a complete application the applicant shall provide the Code Enforcement Officer with copies of the reduced size plan to be provided to the Fire Department, Police Department, Rescue Chief, Road Commissioner, Sewer and Water Departments, Public Works Department and Superintendent of Schools for their comments and/or suggestions.

B. The application for approval of the Final Plan shall include the following information.

1. Proposed name of the subdivision or identifying title and the name of the municipality in which it is located, along with the assessor's map and not numbers.

2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, and made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

3. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features shall be shown on the plan.
4. A copy of any proposed deed restrictions, covenants or agreements intended to cover all or part of the lots in the subdivision.
5. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer system, a written statement from the Sewer Department indicating the Department has reviewed and approved the sewage design shall be submitted.
6. Indication of the type of water supply system(s) to be used in the subdivision.
  - a. When water is to be supplied by the Town of Wilton, a written statement from the Water Department shall be submitted indicating the Department has reviewed and approved the water system design.
7. The date the plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, sub divider, and individual or company who prepared the plan. The plan(s) shall be stamped or sealed by a professional engineer, surveyor, or planner, or all of them, as the case may be.
8. The location of any zoning boundaries affecting the subdivision.
9. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
10. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces in the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.
11. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
12. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

13. A soil erosion and sedimentation control plan which employs the Best Management Practices as contained in the Maine Erosion and Sediment Control Handbook for Construction.

14. A plan for the disposal of surface waters prepared by a qualified professional knowledgeable in surface drainage.

15. If the proposed subdivision is in the direct watershed of a great pond a phosphorous control plan is needed.

### **ARTICLE XIII FINAL APPROVAL AND FILING**

A. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. Any subdivision not recorded in the Registry of Deeds by the sub divider within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

B. At the time the Board grants final plan approval, it may permit the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the plan.

C. No change, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final Plan is first submitted and the Board approves any modifications, except in accordance with Article 8.1.C. The Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. §4404, and this Ordinance. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

D. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

E. Failure to commence substantial construction of the necessary improvements in the subdivision within two years of the date of approval and signing of the plan shall render

the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

## **ARTICLE IX. ENFORCEMENT**

### **9.1 Inspection of Required Improvements**

A. At least ten days prior to commencing each major phase of construction of required improvements, the sub divider or contractor shall notify the Code Enforcement Officer in writing as to when construction of improvements will begin. The municipal officers shall cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

B. If the inspecting official finds, upon inspection of the improvements, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the sub divider, he shall so report in writing to the municipal officers, Board, and the sub divider or builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.

C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances, such as encounters with hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the sub divider shall obtain permission to modify the plans from the Board.

D. For those subdivisions in which construction activity will cease for the winter season, at the close of each summer construction season, the town shall have the site inspected by the Code Enforcement Officer. If the Code Enforcement Officer determines that additional inspection is necessary, then a qualified individual will conduct the inspection, at the expense of the sub divider. By November 1 of each year during which construction was done on the site, the Code Enforcement Officer or inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job for which they were designed for and whether the measures are sufficient to prevent erosion and storm water pollution during the time that construction is suspended. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to the sale of any lot, the sub divider shall provide the Board with a letter from a registered land surveyor, stating that all monuments shown on the plan have been installed.

F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine may be required by the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements. If there are any underground utilities the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.

G. The sub divider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks and maintenance unless the improvements are accepted by the municipality or control is placed with a lot owners association.

## **9.2 Violations and Enforcement**

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

B. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. No person, firm, corporation or other legal entity may convey any land in an approved subdivision which is not shown on the final plan as a separate lot.

D. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than \$100, and not more than \$2,500 for each such conveyance, offering or agreement. The Town may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.

E. No public utility or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

F. No person shall establish or develop a subdivision without first having a final plan thereof approved by the Board, and recorded in the registry of deeds. "Develop" shall include grading or construction of roads, grading of land or lots, or construction of any buildings.



G. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multifamily development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

## **ARTICLE X. GENERAL STANDARDS**

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each, in addition to standards contained in Title 30-A, M.R.S.A., Section 4404, has been met prior to the approval of a final plan. In all instances, the burden of proof shall be upon the applicant.

### **10.1 Conformance with Comprehensive Plan.**

All proposed subdivisions shall be in conformity with the Comprehensive Plan and with the provisions of all pertinent state and local codes and ordinances.

### **10.2 Open Space/Buffer Provisions**

A. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic, trail corridors or environmentally desirable areas.

B. The Board may require that the sub divider reserve an area equal to ten percent of his total land as an open space and/or recreational area for use by property owners in the subdivision.

1. If such an area is reserved, the final plan shall provide how title to the reserved land shall be held and how costs of development, maintenance and taxes shall be met.

2. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:

a) The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.

b) If appropriate, the individual property owner's pro rata share of development costs, maintenance cost and property taxes of the reserved land.

c) Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designed for later development if the subdivision plan includes provision for development in discrete stages.

d) Any area designated for common use shall be so arranged that each property owner has access to it.

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

D. Reserved land acceptable to the Board and sub divider may be dedicated to the municipality as a condition of approval.

E. The Board may require a natural buffer of up to 200 feet between dwellings located in a subdivision and land utilized for agricultural purposes.

### **10.3 Land Not Suitable for Development.**

The following lands shall not be included in the calculations of building density for the purpose of meeting the requirements of multi-family developments of three or more units.

A. Land which is located within the 100-year frequency floodplain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the sub divider shows proof through the submission of materials prepared by a registered land surveyor which show that the property in question lies above the 100 year flood level. The elevation of filled or made land shall not be considered.

B. Land which is part of a right-of-way, or easement, including utility easements.

C. Land that has been created by filling or draining a pond or wetland.

### **10.4 Blocks.**

Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.

### **10.5 Lots**

A. All lots shall meet the minimum requirements of the Town of Wilton Zoning Ordinance.

B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.

C. 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.

D. Wherever possible, side lot lines shall be perpendicular to the street.

E. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as to either provide for or preclude future resubdivision.

F. When a proposed subdivision is located on soils identified as "prime farmland" the location of structures should be arranged to maximize the maintenance of such soils.]

G. The Board may require subdivisions located in the Farm and Forest District as identified in the Town of Wilton Zoning Ordinance to limit areas of individual lots to be developed for structures, driveways and lawns to 40 percent of the lot area.

H. Within the Farm and Forest District as identified in the Town of Wilton Zoning Ordinance the location of structures should be arranged to avoid tops of ridge lines and fields. When ever possible and feasible the designated area for the placement of structures shall be on the edges of fields.

I. Within the Farm and Forest District as identified in the Town of Wilton Zoning Ordinance each lot shall contain a development area containing a minimum of 20,000 square feet of land area which does not include 100- year flood plain, slopes greater than 20 percent or Class I, II or III wetlands as identified under the Natural Resource Protection Act.

## **10.6 Utilities**

A. Underground utilities shall be installed prior to the installation of the final gravel base of the road. All underground utilities shall be properly marked to avoid damage by future excavations.

B. The size, type and location of street lights, electric lines, telephone, and other utilities shall be shown on the plan.

## **10.7 Required Improvements**

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

A. Monuments: Monuments of granite or concrete not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be installed as follows:

1. Monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines having no curves or intersections.

2. Monuments shall be set at all corners and angle points of the subdivision boundaries and all lot boundary corners and angle points.

#### B. Water Supply

1. If a central water supply system is provided by the sub divider, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the State of Maine Rules of the Department of Human Services Relating to Drinking Water (10-144 A.C.M.R. 231).

2. When the subdivision is to be served by the public water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the sub divider. The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the Water Department. In addition, the Water Department shall determine if sufficient pressure exists and if it does not, and then identify steps to be taken in order to insure sufficient pressure.

#### C. Sewage Disposal

1. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

2. When the subdivision is proposed to be served by the public sewer system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the sub divider. The Sewer Department shall review and approve all manholes, size and location of sewer lines and service connections and certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be completed prior to the construction of the subdivision.

#### D. Surface Drainage

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board has determined 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 storm water management system shall be designed by a qualified professional knowledgeable in surface drainage.

2. Drainage easements for existing watercourses or proposed drainage ways at least thirty (30) feet wide shall be provided for and indicated on the plan, conforming substantially to the lines of existing natural drainage.

3. The applicant shall provide a statement from the designing professional that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.

4. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements meeting the standards of Article 11. 2 shall be submitted.

### **10.8 Land Features**

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

B. The Board shall require the applicant to take measures as contained in the Maine Erosion and Sediment Control Handbook for Construction to correct and prevent soil erosion in the proposed subdivision.

C. Neither structures nor roads shall be located in areas of one (1) or more contiguous acres of sustained slopes in excess of 20 percent.

D. The Board may require additional studies and measures when structural development, including roads, is proposed in areas of one (1) or more contiguous acres of sustained slopes of between 10 and 20 percent.

### **10.9 Phosphorous Export**

Projects proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorous runoff to the levels defined below. The Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at five year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or technical assistance programs. Adjustments may be made without amendment of this Ordinance or the Comprehensive Plan.

#### Lake Protection Level

	LPL	Phosphorus Loads	Per Acre Phosphorus load (pounds)
Pease Pond	Medium	7.96	0.106
Varnum Pond	High	11.79	1.072
Wilson Lake	High	72.10	0.06
Bonney Bog Pond	Medium	2.98	0.045

a. Phosphorous export from a proposed development shall be calculated according to the procedures defined in "Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Upon request, copies of all worksheets and calculations shall be made available to the Board.

b. Phosphorous control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high-maintenance structural measures, such as infiltration systems and wet ponds.]

### 10.10 Construction in Flood Hazard Areas

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

### 10.11 State Permits

Copies of all applicable State approvals and permits, provided, however, that the Board may approve site plans subject to the issuance of special State licenses and permits in cases where it determines that it is not feasible for the applicant to obtain them at the time of plan review.

### 10.12 Municipal Services

When the Board finds, based upon the recommendation of department heads, that municipal services do not have sufficient capacity to service the proposed subdivision, the Board may:

1. Require phasing of the subdivision to allow for the development of expanded municipal services
2. Require the applicant to assist in upgrading municipal services, or
3. Deny the application

### **10.13 Open Space Subdivisions**

1. It is the policy of the Town of Wilton to encourage the development of open space subdivisions in order to preserve a sense of space, provide for agricultural, forestry, and recreational land uses, preserve other resources identified in the Town of Wilton Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural and village landscapes of Wilton.

This standard is intended to implement that policy by providing incentives that afford flexibility in road and lot layout and design and road frontage requirements to the landowner. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of this Ordinance and the Town of Wilton Zoning Ordinance if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing development and environmental design which will promote the most appropriate use of land, preservation of permanent open space, agricultural or forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents will be accomplished.

2. An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements as contained in the Town of Wilton Zoning Ordinance. It locates housing and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, agricultural, forest, and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements. To qualify as an open space subdivision, a subdivision must achieve those of the following purposes that the Board determines to be applicable to its specific circumstances:

- a. Long-term protection and preservation of existing natural and other resources and landscapes identified in the Town of Wilton Comprehensive Plan, including, but not limited to:
  - i. State-defined critical areas and unique features and areas identified in the Comprehensive Plan;
  - ii Historic land use patterns and historic structures;

- iii. Points of visual access to or from water bodies and scenic vistas as identified in the Comprehensive Plan and points of access to water bodies;
- iv. Forest land
- v. Agricultural land
- vi. Wildlife habitat
- b. Maintenance or establishment of compatibility with surrounding land uses and the overall character of the town as defined by the comprehensive plan;
- c. Provision of adequate buffers for adjoining properties where needed;
- d. Contribution to town wide open space planning by creating a system of permanently preserved open spaces throughout the town and encouraging linkage of open space areas.
- e. Preservation of land suitable for agricultural and forestry uses, particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;
- f. Preservation of traditional land uses;
- g. Provision for recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard.

3. An individual may apply for approval of an open space subdivision either after pre application review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Board shall review the application in accordance with Title 30-A M.R.S.A. Section 4404 and this Ordinance.

a. Pre-application Procedure

- i. Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.
- ii. After review of the pre-application, if the Board determines that the proposed subdivision with open space meets the purposes set forth in subparagraph 2.a.i-vi which are applicable to the proposed subdivision as well as other applicable provisions of this subsection, this Ordinance, the zoning ordinance and the comprehensive plan, the Board shall permit the applicant to proceed with an application for an open space subdivision.

b. Application Procedure

- i. Required Plans: The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under this Ordinance.

c. General Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance and the zoning ordinance.

i. Use and District Requirements

- (a) All subdivisions with open space shall meet the use standards of the districts in which they are located.
- ii. A lot for a dwelling unit created as part of a subdivision with open space shall not be further subdivided.

#### 4. Layout and Siting Standards



In planning the location and sitting of residential structures in a subdivision with open space, priority should be given to the preservation of the open space for its natural resource value. Human habitation activity located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes. The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

- a. Upon soils least suitable for agricultural use and in a manner which maximizes the useable area remaining for the designated open space use. Where agricultural, forestry, or recreational, whether existing or future uses, are particularly targeted for preservation;
- b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland in order to reduce encroachment upon agricultural soils and to enable new residential development to be visually absorbed by natural landscape features;
- c. In such manner that the boundaries between residential lots and active agricultural use, commercial forest land, and/or wildlife habitat are well-buffered by vegetation, topography, roads or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses;
- d. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;

## 5. Space Standards

- a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the Town of Wilton Zoning Ordinance.
- b. The required minimum land area per dwelling unit for the building envelope may be reduced to 20,000 square feet. The building envelope shall contain a minimum of 20,000 square feet of land area which does not include 100 year floodplains, areas of two or more acres of sustained slopes greater than 20 percent, or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the district.
- c. Minimum road frontage requirements contained in the zoning ordinance may be waived or modified by the Board provided that:
  - i. Any applicable provisions regarding roads in Subsection 7. below are satisfied; and
  - ii. Adequate access and turn-around to and from all parcels by emergency vehicles can be ensured by private roads and/or common driveways.
- d. A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design, provided that the front and rear setbacks shall be no less than 25 feet, or that required for the applicable district, whichever shall be less. For the perimeter of an open space development, overall development setback shall not be reduced below the minimum front, side and rear setbacks required in the zoning district unless the Board determines that a more effective design of the project can better accomplish the purposes of this performance standard.

## 6. Utilities

At the discretion of the Board, in order to achieve the most appropriate design and layout of lots and open space, utilities, including individual wells and septic systems, may be located on designated portions of the open space, if necessary, provided they shall not unreasonably interfere with the open space purposes or uses to be achieved under this section and for the particular parcel(s).

## 7. Roads

The Planning Board shall require private roads and common driveways to comply with the design standards set forth in Town of Wilton Street Standard Ordinance.

## 8. Open Space Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Ordinance or the Town of Wilton Zoning Ordinance.

a. Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, stream beds, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

i. On parcels that contain significant portions of land suited to agriculture or commercial forestry, open space shall be preserved for agricultural or forestry, other compatible open space uses such as wildlife habitat, recreation (active or passive), and resource conservation.

ii. When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.

b. Notations on Plan. Open space, common lands, roads or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

c. Ownership of Open Space Land. Open space land may be held in private ownership; or owned in common by a Homeowners' Association (HOA); transferred to a nonprofit organization such as a conservation trust, or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in subparagraph 2.a.iv and under the other requirements of this article. The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

d. Maintenance Standards

i. Ongoing maintenance standards, where appropriate, shall be established, enforceable by the town against the owner(s) of common land, including open space land, roads and other facilities as a condition of subdivision approval. Such maintenance standards may include conditions, obligations, or costs to maintain the use, facilities and/or scenic character.

ii. If a HOA or an agreement of owners of the lots or units is to be used, until 51% of all lots and/or units have been sold, and a homeowners association has been formally organized, the applicant for such development shall be responsible for maintenance of the common lands and facilities.

#### **9. Homeowners' Associations or Agreements.**

Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by a Homeowners' Association (HOA) or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, road or open space shall be approved by the Board and included in the deed for each lot.

### **10.14 Traffic Conditions**

A. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

B. A residential subdivision which will have lot access from a street which has a peak hour volume of 200 vehicle trips or greater shall be limited to two (2) access points.

C. Where a lot has frontage on two or more streets, the access to the lot shall, where practical, be provided to the lot across the frontage and from the street where there is lesser potential for traffic congestion and hazards to traffic and pedestrians.

### **10.15 Ground Water Quality**

A. When a hydrogeologic assessment is submitted, by request of the Board, the assessment shall contain at least the following information:

1. A map showing the basic soils types.
2. The depth to the water table at representative points throughout the subdivision.
3. Drainage conditions throughout the subdivision.
4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance.
6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 100 feet of the

subdivision boundaries.

B. The subdivision will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A., Section 601.

C. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

D. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

E. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

#### **10.16 Protection of Significant Wildlife Habitat**

Applicants proposing to subdivide land in or within 75 feet of wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board.

#### **10.17 Scenic Locations**

The Board shall consider the existence of a scenic site or view location as identified in the Town of Wilton Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations so to minimize the negative impacts of the subdivision on such sites and views.

#### **10.18 Archaeological Sites**

Any proposed subdivision activity involving structural development or soil disturbance on, or adjacent to, sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least 20 days prior to final approval in the case of a minor subdivision or preliminary approval of a major subdivision by the Board. The Board shall consider comments received from the Commission prior to rendering a decision on the application.

#### **10.19 Solid Waste**

All solid waste shall be disposed of at a Department of Environmental

Protection licensed facility.

## **ARTICLE XI. STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS**

### **11.1 Street Standards**

- A. All streets proposed as an element of a subdivision shall comply with the Town of Wilton, Maine, Street Standards Ordinance, and zoning ordinance, except as provided for within this Ordinance.
- B. All street designs and submissions as required by the Town of Wilton, Maine, Street Standards Ordinance, and zoning ordinance, shall be submitted as an element of the subdivision application as required by this Ordinance.
- C. Street names shall be proposed by the applicant and approved by the town of Wilton and must comply with the Town of Wilton Street Naming and Property Numbering Ordinance. Streets that are continuations of existing streets shall be given the same name as the existing street. Names of new streets shall not duplicate nor bear the phonetic resemblance of the names of existing streets within the town.
- D. Approval of the Final Plan shall not constitute or be evidence of any acceptance by the Town of Wilton of any street or easement.

### **11.2 Storm Water Management Design Standards**

- A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of ditches, swales, culverts, under drains, and/or storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.
  - 1. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm.
- B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increase in upstream runoff.
- C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The sub divider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

## **ARTICLE XII. PERFORMANCE GUARANTEES**

12.1 Types of Guarantees. With submission of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

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

B. A performance bond issued by a surety company payable to the town and approved by the municipal officers; or

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the town may draw if construction is inadequate, approved by the municipal officers; or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of any engineer retained by the Board, road commissioner and municipal officers.

12.2 Contents of Guarantee. The performance guarantee shall contain construction schedule, cost estimates for each major phase of construction taking inflation into account, 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. The guarantee shall state that the town shall have access to the funds to finish construction.

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

12.4 Release of Guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

12.5 Default. If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the municipal officers, the Board, and the sub divider or contractor. The municipal officers shall take any steps necessary to preserve the Town's rights.

12.6 Privately-Owned Roads. Where the subdivision streets are to remain privately-owned roads, the following words shall appear on the recorded plan.

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

### **ARTICLE XIII. WAIVERS**

13.1 Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of this Ordinance in order to provide relief from the hardship in question and to permit a more practical and economical development. However, this shall not compromise the public health, safety, and welfare and the waivers in question shall not have the effect of nullifying the effect of this Ordinance or the comprehensive plan.

13.2 Where the Board makes written findings of fact that, due to special circumstances regarding a particular lot proposed for inclusion in the subdivision, an undue economic or other hardship will be caused, it may waive strict compliance with those requirements of this Ordinance causing such hardship in order to permit a more practical or economically viable development, provided that the public health, safety, and welfare will be not compromised.

13.3 In granting waivers to any of these regulations in accordance with Sections 13.1 and 13.2, the Board shall require such conditions as that will assure the objectives of these regulations are met.

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

### **ARTICLE XIV. ORDINANCE AMENDMENTS**

14.1 Initiation of Amendments. An amendment to this Ordinance may be initiated by:

- A. The Planning Board provided a majority of the Board has so voted;
- B. Request of the municipal officers; or
- C. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

14.2 The Planning Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven days prior to the hearing.

14.3 Adoption of Amendment. An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting.

## ARTICLE XV. APPEALS

15.1 An aggrieved party may appeal any decision of the Board under this Ordinance to the Board of Appeals within 30 days of the date the Board issues a written order of its decision.

## ARTICLE XVI. SUBDIVISION PLAN AMENDMENT FEES

The following fees shall be paid to the town for amendments to approved subdivision plans. The selectmen shall have the authority to revise these fees after conducting a public hearing.

A. The fee for any amendment when the number of lots remains the same, and there is no substantial change to roads or drainage systems, shall be \$25.

B. The fee for any amendment, when three or less new lots are created, shall be a \$50 publishing and notice fee and \$100 for the first new lot created and \$50 for each additional lot.

C. The fee for amendment, when there are substantial changes to roads and drainage systems or more than three lots are created, shall be equal to that required by a new application.

## ARTICLE XVII. DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

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

**Collector Street:** A street servicing at least twenty (20) lots or dwelling units, or street which serves as feeder to arterial streets and collector of traffic from minor streets.

**Common Driveway:** A vehicle access way serving two dwelling units

**Complete Application:** An application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**Direct Watershed:** That portion of the watershed that does not first drain through an upstream lake.

**Existing Public Street:** Roads which are maintained by the Town of Wilton and/or the State of Maine.

**Final Plan:** The final drawings, on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**Fresh Water Wetland:** Means fresh water swamps, marshes, bogs and similar areas which are:

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

b. Not considered part of great pond, coastal wetland, river, stream or brook. These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

**High Intensity Soil Survey:** A soil survey conducted by a certified soil scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

**100 Year Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Industrial or Commercial Street:** A street servicing industrial or commercial uses.

**Industrial Park or Development:** A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.



**Manufactured Housing:** A structural unit or units designed for occupancy, constructed in a manufacturing facility, and transported, by the use of its own chassis or an independent 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. It may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

1. 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 standards. These are structures transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 750 or more square feet in area, and 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;

a. 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 Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et.seq.; and

2. Those units commonly called "modular homes" which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter. These structures transportable in one or more sections which are not constructed on a permanent chassis, and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

**Minor Street:** A street servicing less than twenty lots or dwelling units.

**Mobile Home Park:** A parcel of land under unified ownership for the placement of three (3) or more manufactured homes.

**Mobile Home Park Lot:** Mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality shall require a lot to be designated on a mobile home park plan.

**Multi-Unit Residential:** A residential structure containing three (3) or more residential dwelling units.

**Net Residential Acreage:** The total acreage available for the subdivision, and shown on the proposed subdivision plan, after subtracting the area for streets or access and areas which are unsuitable for development.

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

**Official Submission Date:** The date upon which the Board issues a receipt indicating a complete application has been submitted.

**Open Space Subdivision:** A subdivision 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/unit owners, the town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

**Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

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

**Privately-Owned Street:** A street which is not intended to be dedicated as a town way.

**Recording Plan:** A copy of the final plan which is recorded at the Registry of Deeds and which need not show information irrelevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

**Re-subdivision:** The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the sub divider not indicated on the approved plan.

**Significant Scenic View Locations:** Point where scenic views can be accessed as identified in the Wilton Comprehensive Plan.

**Stream, River or Brook:** River, stream or brook means a channel between defined banks created by the action of surface water, and which has two (2) or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5 minute series topographic map.

B. It contains or is known to contain flowing water continuously for a period of at least three (3) months of the year in most years.

C. The channel of the bed is primarily composed of mineral material such as sand and gravel, parent material, or bedrock that has been deposited or scoured by water.

D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no water is present, within the stream bed.

E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

**Street:** Public and private ways such as alleys, avenues, highways, roads and other rights-of-ways, as well as areas on a subdivision plans designated as rights-of-ways for vehicular access, other than driveways, farm roads or logging roads.

**Subdivision:** Subdivision is defined in Title 30-A M.R.S.A., section 4401.4 as the same may be from time to time amended.

**Substantial Construction:** The completion of any of the improvement(s) to the total property or individual lots and any infrastructure improvements which is equivalent to 30 percent of the total cost to the developer of such improvements.

**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, tidal waters where there is no flow at low tide, or a private road established by the abutting landowners.