BOARD OF APPEALS ORDINANCE, TOWN OF OTISFIELD

I. GENERAL PROVISIONS

A. Business of the Board shall be conducted in accordance with Maine Statues Town Ordinances.
B. It shall be the responsibility of the board to become familiar with all the duly enacted ordinances of the town, which it may be expected to act upon, as well as with the applicable state statues.
C. It shall be the responsibility of the Board to become familiar with the community goals, desires and policies as expressed in the “comprehensive plan”, if any, and grant the minimum relief which will insure that the goals and policies of the plan are preserved and substantial justice is done.

II. APPOINTMENTS

A. The Board shall consist of five (5) members appointed by the municipal officers of the Town of Otisfield for the term of five (5) years. The term of each appointment is staggered over a five (5) year period. At the effective date of this ordinance, the current board shall be re-established and current members shall continue to serve until the term expires.
B. The municipal officers shall appoint up to two (2) associate members to the Board. The associate member(s) term shall be for two (2) years.
C. Neither municipal officer nor his or her spouse may be a member or an associate member of the Board.
D. Any member of the Board may be removed from the Board for cause, by the municipal officers before expiration of his/her term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute specific charges against him/her. The term “for cause” shall include failure to attend four (4) consecutive Board meetings or hearings without sufficient justification.
E. When there is a permanent vacancy of either a full or associate member, the secretary shall immediately notify the town clerk. The municipal officers shall, within sixty (60) calendar days, appoint a person to serve for the un-expired term.
III. OFFICERS AND DUTIES

The officers of the Board shall consist of a Chairperson, an acting Chairperson and a Secretary, who shall be elected annually by a majority of the Board.

A. CHAIRPERSON. The chairperson shall perform all duties required by law and these by-laws and preside at all meetings of the board. The chairperson shall rule on issues of evidence, order and procedure and shall take such actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.

B. ACTING CHAIRPERSON. The acting chairperson shall serve when the Chairperson is absent, disabled, disqualified or otherwise unavailable and shall have all the powers of the Chairperson when so serving.

C. SECRETARY. The secretary shall be responsible for keeping a recording/tape of the minutes of the Board’s meetings and any other duties that the Chair sees fit to assign to this position.

D. RECORDING SECRETARY. The recording Secretary, a paid employee of the Board and subject to the direction of the Board and Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, and determination of the Board and shall prepare a complete record of each hearing, including date(s), time(s), place(s), of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board, and the date of issuance of the decision. All records are public and may be inspected at reasonable times.

IV. CONFLICT OF INTEREST

Any question of where a particular issue involves a “conflict of interest” sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration. The term “conflict of interest” shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person’s immediate family (grandfather, grandmother, father, mother, wife, son, daughter, grandchildren, e.g.) or to his employer or the employer of any member of the person’s immediate family.

V. POWERS AND LIMITATIONS

The Board shall have the following powers to be exercised only upon receipt of a written appeal by an aggrieved party.

A. The Board may interpret the provisions of any applicable town ordinance, which are called into question.
B. The Board may grant a variance to the Site Plan Ordinance, to the Shoreland Zone Ordinance and the Building Ordinance only upon strict application of any applicable town ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words “undue Hardship” as used in this subsection mean:
1. That the land in question cannot yield a reasonable return unless a variance is granted;
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. That the granting of a variance will not alter the essential character of the locality; and
4. The hardship is not a result of action taken by the applicant or a prior owner.

C. The Board shall have the power to hear and determine all administrative appeals by any person directly or indirectly affected by any decision, with respect to any license, permit, waiver, variance or other required approval, or any application therefore, including the grant, conditional grant, denial, suspension, or revocation of any such license, permit, waiver, variance or other approval (hereinafter a “decision”) The Board may consolidate hearings on any appeals filed by multiple parties that relate to the same administrative appeal.
1. Rendered by the Code Enforcement Officer or the Planning Board pursuant to Shoreland Zoning Ordinance;
2. Rendered by the Code Enforcement Officer or Building Inspector relating to building code enforcement pursuant to any statute or Town ordinance.
3. Rendered by the General Assistance Administrator pursuant to the Ordinance for General Assistance Administration or the Maine Statutes relating to general assistance;
4. Rendered by the Selectmen pursuant to the Cemetery Policies and Regulations;
5. Rendered by the Planning Board or the Code Enforcement Officer pursuant to the ordinance relating to Flood Hazard Building Permit System and Review Procedures;
6. Rendered by the Planning Board pursuant to the Site Plan Review Ordinance.

VI. MEETINGS

A. Regular meeting of the Board shall be held as necessary.
B. The annual organization meeting of the board shall be held as soon as practical after the date of the Annual Town Meeting.
C. Special Meetings of the Board may be called by the Chairperson. At least forty-eight (48) hours written notice of the time, place and business of the meeting shall be given each member of the Board, the Selectman, the Planning Board and the Code Enforcement Officer, as appropriate.
D. The Chairperson shall call a special meeting within ten (10) calendar days of receipt of a written request from any three members of the Board, request shall specify the matters to be considered at such special meeting.
E. The order of business at regular meetings of the Board shall be as follows: A) a roll call, B) reading and approval of the minutes of the preceding meetings; C) action
on held cases: D) public hearing (when scheduled); E) other business: F) adjournment.

F. All meetings of the Board shall be open to the Public, except executive sessions. No vote may be taken by the Board except in Public meeting. The board shall not hold executive sessions except for consultation between the Board and its legal counsel concerning litigation or other legal matters, where premature general public knowledge would clearly place the Town of Board at a substantial disadvantage.

VII. VOTING

A. A quorum shall consist of at least three (3) members of the Appeals Board, including alternates as appropriate.
B. No hearing or meeting of the Appeals Board shall be held, nor any action taken, in the absence of a quorum; those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date.
C. All matters shall be decided by a majority roll call vote of members present. Decisions on any matter before the Board shall require the affirmative vote of a majority of the entire membership of the Board unless otherwise specified herein.
D. A tie vote or favorable vote by a lesser number than the required majority shall considered a rejection of the application under consideration.
E. If a member has a conflict of interest, said member shall not be counted by the Board in establishing the quorum for such matter.
F. If the Board has associate members, the Chairperson shall appoint an associate member to act for a regular member who is disqualified from voting, unable to attend the hearing, or absent for a substantial portion of the hearing due to late arrival. The associate member will act for the regular member until the cases is decided.
G. No regular member shall vote on the determination of any matter requiring public hearing unless he/she has attended the site inspection and public hearing thereon: however, where such a member has familiarized himself/herself with such matter by reading the record, he/she shall be qualified to vote.

VIII. APPEAL PROCEDURE

A. Any person aggrieved by an action which comes under the jurisdiction of the Board pursuant to Section V of this ordinance, must file such application for appeal, in writing on forms provided, within thirty (30) calendar days of the granting or denial of an application for a permit or other approval. The applicant shall file this appeal with the Recording Secretary, setting forth the grounds for his/her appeal. Upon receiving the application for appeal, the Recording Secretary shall notify the Chairperson of the Appeals Board.
B. The fee to accompany applications for appeal shall be set by the Selectmen annually. Fees shall not exceed an amount equal to the town's actual cost of administering and enforcing the ordinance. Checks are made payable to the Town of Otisfield.
IX. HEARINGS

A. The Appeals Board shall schedule an appeal hearing on all applications within thirty (30) calendar days of the filing of a completed appeal application.

B. The Appeals Board shall cause notice of the date, time and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality, before the hearing at least two times, the date of the first publication to be at least (7) calendar days prior to the hearing. The Appeals Board shall also cause notice of the hearing to be given to the municipal officers, the Planning Board, the Code Enforcement Officer, and the owners of property abutting that for which the appeal is taken, at least twenty (20) calendar days prior to the date of the hearing. All abutters shall be notified.

C. The Appeals Board shall provide: for exclusion of irrelevant, immaterial, or unduly repetitious evidence.

D. The order of business at an appeal hearing shall be as follows:
   1. The Chairperson calls the hearing to order.
   2. The Chairperson determines whether there is a quorum
   3. The Chairperson gives a statement of the case and reads all correspondence and reports received.
   4. The Board determines whether it has jurisdiction over the appeal.
   5. The Board decides whether the applicant has the right to appear before the Board.
   6. The Board determines which individuals attending the hearing are “interested parties”. “Interested parties” are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and those who might be adversely affected by the Board’s decision. Parties may be required by the Board to consolidate or join their appearance in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal Officers, the Planning Board, the Code Enforcement Officer shall automatically be made parties to the proceedings. Other persons attending the hearing and federal, state, municipal and other governmental agencies shall be permitted to make oral or written statements and to submit oral and written questions through the chair.
   7. The appellant is given the opportunity to present his/her case without interruption.
   8. The Board and interested parties may ask questions of the appellant through the Chair.
   9. The interested parties are given the opportunity to present their case. The board may call its own witnesses, such as the Code Enforcement Officer.
   10. The appellant may ask questions of the interested parties and Board witnesses directly.
   11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
   12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
13. The Hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All participants should be notified of the date, time and place of the continued hearing.

E. The Board may waive any of the above rules if good cause is shown.

X. DECISIONS

A. Decisions by the Appeals Board shall be made not later than ten (10) calendar days from the date of the final hearing.

B. The final decision on any matter before the Appeals Board shall be made by written order signed by the Chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof.

C. The Appeals Board, in reaching said decision, shall be guided by standards specified in the applicable state laws, local ordinances, policies specified in the Comprehensive Plan, if any, and by Findings of Fact by the Appeals Board in each case.

D. Notice of any decision shall be sent by certified or registered mail, or hand delivered, to the applicant or his representative or agent, and by written notice to the Planning Board, the Code Enforcement Officer, and the Municipal Officers, within seven (7) calendar days of the decision.

E. Decisions of the Appeals Board shall be immediately filed in the town files and shall be made public record. The date of filing of each decision shall be entered in the official records and minutes of the Appeals Board.

F. Unless otherwise specified, any order or decision of the Board shall expire if a building or occupancy permit for the use is not obtained by the applicant within ninety (90) calendar days from the date of the decision to approve or deny the application; however, the Board may extend this time any additional ninety (90) calendar days for extenuating circumstances. Extenuating circumstances shall include, but not be limited to recommendations by a soils engineer as to when the work should take place.

XI. ADMINISTRATIVE APPEAL

The Appeals Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of the town ordinances or unsupported by substantial evidence in the record.

XII. RECONSIDERATION

A. The Appeals Board may reconsider any decision. The Appeals Board may decide to reconsider any decision, notify all interested parties and make any change in its
original decision within forty-five (45) calendar days of the vote on its decision. See 30-A M.R.S.§2691(3)(F). A meeting to decide whether to reconsider shall be called by the Chairperson in accordance with Article VI of this ordinance. The Appeals Board may conduct additional hearings and receive additional evidence and testimony. Request for reconsideration by the appellant must be filed within ten (10) days after the decision has been rendered.

B. Reconsideration should be for one of the following reasons:
   1. The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or
   2. The Appeals Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

XIII. APPEALS TO SUPERIOR COURT

An appeal from the decision of the Board of Appeals may be taken to the Superior Court pursuant to Maine law.

XIV. CONFLICT WITH THIS OR OTHER ORDINANCES

Whenever the requirements of this ordinance are inconsistent w/ the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

XV. SEVERABILITY

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

Amended
04/20/17
Appeals Board Ordinance Amendments - Voted and approved at 6/24/17 Town Meeting

Attested: A true copy

Sharon A. Matthews
Town Clerk 06/24/2017

Hal Ferguson

Rick Mickion

Lenny Adler

TAFT 08.21.17 ✔
Town of Otisfield Building Ordinance

Section I. Purpose
To protect the health, safety and general welfare of the residents of Otisfield by establishing minimum construction standards and minimum dimensional requirements for lots.

Section II. Authority And Administration
A. This Ordinance is adopted and hereafter amended pursuant to and consistent w/ Article VIII-4 of the State of Maine constitution, Title 30, M.R.S.A. Section 1917, “ordinance power limited” (home rule)
B. The Code Enforcement Officer shall be appointed by the Selectmen annually and shall the administrative officer of this Ordinance. He shall receive applications for the erection or moving of structures and electric wiring there of as provided in this ordinance, shall keep complete records of all applications and his actions on the applications, promptly survey and inspect all structures, moving or uses proposed; and may grant permits for erection or moving of all structures, if in his opinion the proposal complies with the laws of the State, this ordinance and other town ordinances. He shall act in cooperation w/ the fire warden in any matter in which their duties, as prescribed by law, coincide or conflict; and shall take such action in the enforcement of this ordinance until a permit thereof has been issued under the terms of this ordinance as may be directed by the Board of Selectmen or Planning Board.
C. No building construction, foundation construction including all concrete pads, or addition shall be started and no building shall be put to any different use, than on the day of enactment of this ordinance until a permit thereof has been issued under the terms of this ordinance.
D. No application for a permit required by this ordinance shall receive action by the code enforcement officer unless made in writing. All applications for a permit to build construct or move any structures, shall be accompanied by a sketch or plan of the proposed structure and a statement of its intended use when built or moved. A building permit shall become void unless operations are commenced within six (6) months from date of approval, unless such time is extended by the Code Enforcement Officer. If the structure is not completed within twelve (12) months, a new permit should be issued at no fee.
E. Upon receiving such application, the Code Enforcement Officer shall promptly take such actions as may be indicated in the way of investigation to acquaint himself w/ the merits of the application. If he finds the proposed building, moving or use of structure to conform w/ the law and this ordinance, he may grant at once the permit in writing over his signature. If he finds the proposal in any conflict w/ the law or this ordinance, he shall fix whatever restrictions or conditions on the proposed construction or use as may be in his best judgment, right and proper, or for reasonable cause refuse the permit.
F. Permit fee structure:
   1. Fee per square foot; applicable to usable living space in new construction only. (cellars or attic’s will be included only if they are to be finished off and used as normal rooms in a home, such as family rooms, dens, bedrooms, etc.). Workshops and the presence of a washer ands dryer will not constitute usable living space.
   2. Fee per square foot for accessory buildings or new construction where living space will not be utilized. This rate will also apply to used structures being
moved to a new location and structures where a change of use will take place.
(Commercial and industrial structures are not included.)
3. Minimum fees will be set for all permits
4. Fee for shoreland permit in addition to building permit fee.
5. Fee for site plan review permit in addition to building permit fee.
6. Fee per square foot for all commercial and industrial structures.
7. Plumbing fees will be established by the Board of Selectmen.
8. If a permit is issued after the fact, a double fee may be charged.
9. Selectmen will set these fees and review them annually.

Section III. Minimum Construction Standards.
No structure shall be erected, moved, or placed unless in compliance with the following:
A. Roofs – no roof of any structure shall be covered or recovered in whole or in part, except with non-combustible or fire resistant roofing material.
B. Chimney construction – no chimney shall be built, erected, or altered below the roof unless containing a tile, metal, brick lining, prefabricated, or insulated chimney, approved by underwriters laboratory and listed as an “all fueled chimney” and with an iron clean – out door at or near its base, and shall not be built, erected, or altered below the roof having wood or other combustible materials within two inches of the chimney floor or beam of combustible material.
C. Thimbles – no wallpaper or other combustible material shall be laid over any thimble or thimble hole in any chimney.
D. Smoke pipes – no smoke pipes shall be installed or erected so as to be within eighteen inches of any combustible floor or ceiling, unless amply protected with non-combustible material. No smoke pipe shall be installed or erected which passes into or through partitions or walls of combustible material, except when guarded by a double collar of metal with an air space of at least five inches of brick or other non-combustible material between the pipe and the combustible material.
E. Electric wiring – all electrical wiring shall conform with approved methods and practices for safety to life and property as contained in the National Electric Code, as published by the National Board of Underwriters.
F. Prior to final closing of walls, the Code Enforcement Officer shall be notified.
G. Foundations – all required structures shall be set upon a masonry or approved wood foundation wall or masonry piers, carried at least one foot below the frost line, unless bedrock is incurred at a lesser depth, or upon a poured concrete slab at least sixty inches thick and reinforced with welded wire mesh and laid over a bed of not less than twelve inches of compacted gravel, the entire surface area of which must at least equal the dimensions of the structure.
   1. Foundation walls must be at least eight inches thick.
   2. All structures must be secured to the foundation.
H. Minimum building area – every dwelling unit to be used by a single family shall have a minimum ground floor area of five hundred (500) square feet.
I. Outside walls – shall be constructed of materials commonly used for outside construction and materials customarily painted shall be painted.
J. Sewage - All dwellings and all commercial, public or industrial structures are required to have a subsurface sewage disposal system. The type, size and
construction, of all septic tanks and drainage fields shall be in accordance with the State of Maine Subsurface Wastewater Disposal Rules.

K. **General** – nothing in the previous provisions of this ordinance shall prevent the use of methods, or materials approved by the National Board of Fire Underwriters.

L. All dwellings structures shall conform to State and Federal Codes included and not limited to the National Electrical Code as most recently adopted by the State of Maine, and the CABO code, most recent edition.

M. An unoccupied mobile/manufactured home may be stored on one’s property provided a permit for such has been issued by the Planning Board. The Planning Board has the right to prescribe reasonable conditions upon such storage.

N. **Underground utilities** – Any and all utilities from the road/street (public or private) to a new structure, may be installed above or below ground. The last pole, prior to the structure, can be no closer than twenty-five (25) feet from said structure. This distance shall be underground. This ordinance is separate from the requirements under the subdivision ordinance, effective March 1, 2003, Article 12, Section 12.8, Page 40, utilities.”

O. **Heating oil tanks** – All new residential dwellings with outside home heating oil tanks must have self-containment with a protecting roof structure against the elements. All new residential dwellings with inside home heating oil tanks must have self-containment. All replacement tanks within existing dwellings must have self-containment. All replacement tanks outside dwellings must have self-containment, with a protecting roof structure against the elements.

P. **Soil erosion control** – all new construction shall prevent soil erosion from entering water bodies, wetland and adjacent properties. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and clean up stages.

**Section IV. Minimum Dimensional Requirements**

A. All lots upon which a residential dwelling, commercial, industrial or institutional structure is to be erected, moved or placed, shall contain 87, 120 square feet, except within the areas regulated by the Shoreland Zoning Ordinance for the Town of Otisfield.

B. If more than one principal structure or dwelling unit is constructed on a single parcel, all dimensional requirements shall be met for each additional structure or dwelling unit.

C. All lots upon which a residential dwelling or commercial, industrial, or institutional building is to be erected, moved of placed, shall have at least two hundred (200) feet of frontage on a public or private way or a private road. A lot in the shoreland zone with shore frontage will be required to have the same frontage on a road as is required on the shore.

D. All structures built after June 21, 2008 shall have a front set back a distance of 50 feet from the property pins. If the surveyed property line is not known, the set back shall be 75 feet from the center of the travelled way as determined by the Code Enforcement Officer.

An accessory structure of 50 square feet or less that is not fastened to the ground is exempted from the Building Ordinance.
An entry way of 50 square feet or less is exempted from the set back requirements and shall not be used as the nearest point reference for future expansions. Any expansion can not get closer to the property line than the nearest point of the existing structure.

E. All structures built after June 21, 2008 on a lot of record under 2 acres shall have a minimum of side and rear set back from lot boundaries of 10 feet, unless more than one boundary is a road. If the lot of record is 2 acres or more, the side and rear set back shall be 25 feet. An expansion cannot get closer to the side or rear set backs from lot boundaries than the nearest point of the non-conforming structure.

F. The establishment of so called back lots is authorized provided such lots are provided with legal rights of way to a public road, or not less than fifty (50) feet in width and further, that such rights of way do not reduce the road frontage or area requirement of an already existing house lot fronting on a road to below the minimum required size and road frontage. Back lots so established must be generally rectangular, having no side of less than two hundred (200) feet and contain a minimum of 87,120 square feet within their boundaries.

G. Multi-family structure(s) shall contain no more than three (3) dwelling units.

H. A principle structure that contains only two (2) dwelling units, herein after called a duplex, May be constructed on a single parcel of land with 200 feet of road frontage, provided that all other minimum dimensional requirements are met for each dwelling unit.

Section V. Non Conforming Lots of Record.

A. Non conforming lots – a non-conforming lot of record as of the effective date of this ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this ordinance except lot size or frontage shall be obtained by action of the board of appeals.

B. Contiguous built lots – if two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the state minimum lot size law and subsurface wastewater disposal rules are complied with. If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this ordinance.

C. Contiguous lots/vacant or partially built – if two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this ordinance, if any of these lots do not individually meet the dimensional requirements of this ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.
Section VI. Appeals

If the Code Enforcement Officer (or the Planning Board) disapprove an application or grant an approval with conditions that are objectionable to the applicant or any other abutting landowner or aggrieved party, or when it is claimed that the provisions of the ordinance have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner or aggrieved party may, at their expense, appeal the decision of the Code Enforcement Officer or the Planning Board, to the Board of Appeals. The Board of Appeals may hear appeals from determinations of the Code Enforcement Officer or Planning Board in accordance with the provisions of the board of appeals ordinance for the Town of Otisfield.

The Board of Appeals may grant a variance in accordance with the relevant provisions of the Board of Appeals Ordinance for the Town of Otisfield, where such variance will not be contrary to the public interest and therefore, a literal enforcement of the ordinances would result in undue hardship. The variance shall be for the minimum necessary to afford relief. The words “undue hardship” as used herein shall mean:

a. That the land in question can not yield a reasonable return unless a variance is granted; and
b. That the need for a variance is due to the unique circumstances of the property and not to the general condition s of the neighborhood; and
c. That the granting of a variance will not alter the essential character of the locality; and
d. The hardship is not a result of action taken by the applicant or a prior landowner.

All applications for appeals and variances shall be governed by the provisions of the Board of Appeals Ordinance for the Town of Otisfield.

An aggrieved party may accept the decision of the Board Of Appeals or appeal to a Superior Court. Appeals fee will be established by the Selectmen annually. The fees are payable to the Town.

Section VII. Amendments

This ordinance may be amended by a majority vote at any annual town meeting when such amendment is published in the warrant calling for the meeting.

Section VIII. Enforcement

A. Whenever the Code Enforcement Officer is satisfied that a building or structure, or any work in connection therewith, the erection, construction, or movement, of which is regulated, permitted or forbidden by this ordinance is being erected, constructed or moved, in violation of a plan submitted and approved hereunder, or of a permit issued hereunder, he shall serve a written notice or order upon the person responsible, therefore directing discontinuance of such illegal action and the remedying of the condition that is in violation of the provisions or requirements of this Ordinance.

B. No structure hereafter erected or moved shall be occupied or used in whole or in part until the structure has been approved by the Code Enforcement Officer and issued an occupancy permit.

C. The code enforcement officer is charged with the prosecution for all violations of the provisions, of this ordinance. In case such notices or orders referred to in Section, VIII, B are not promptly complied with, he
shall institute such actions or proceedings at law in equity as are proper to restrain, correct, remove or punish such violations.

D. Any person who shall violate any of the provisions of this ordinance or fail to comply with any of the requirements thereof, shall upon conviction, be punished by fine of not less that $100 or more than $2500 and each day on which such violation continues shall constitute a separate offense. The town may request that any structure built in violation of the provisions of this ordinance be removed or made conforming. In addition, any person who shall violate any of the provisions of this ordinance or fail to comply with any of the requirements thereof shall upon conviction be liable for all attorney’s fees, court costs and any other expenses incurred by the town for legal actions against the person convicted of the violation. Any and all fines and costs shall be payable to the Town of Otisfield.

Section IX. Conflicting Provisions and Validity.

A. Whenever the regulations made under the authority hereof differ from those described by any stature, ordinance or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

B. If any section, clause, provision portion, or phrase of this ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, or invalidate any other section, clause, provision, portion or phrase of this ordinance.

Section X. Roads

See Town of Otisfield, Road Ordinance, dated March, 4, 2005.

Section XI Effective Date

This Ordinance became effective July 20, 1964, amended March 5, 1983; May 2, 1975; December 30, 1987; July 2, 1976; March 2, 1985; March 7, 1987; March 3, 1990; March 2, 1991, March 1,2003; March 4, 2006; June 21, 2008

TANYA TFT

06.21.08
Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs Ordinance

Section 1. Authority

This ordinance is enacted pursuant to the marijuana Legalization Act, 7 M.R.S.A.c.417; and Municipal Home Rule Authority, Me. Const. art. VIII, pt. 2; and 30-A M.R.S.A. §3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. §2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A.§2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A.c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-AM.R.S.A.§4452.
TOWN OF OTISFIELD
NEW ROAD CONSTRUCTION ORDINANCE

SECTION I. Statement of Purpose

The purpose of this “New Road Construction Ordinance” (the “Ordinance”) is to promote the health, safety, and public welfare of the residents of Otisfield through establishing minimum construction standards for new roads, streets, and other public and private ways.

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 with Title 30-A, M.R.S.A., Section 3001, et seq.

B. ADMINISTRATION: This Ordinance shall be administered by the Planning Board of the Town of Otisfield with the input of the Road Commissioner and/or a Maine licensed professional engineer employed by the Town, and the Code Enforcement Officer.

C. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ROAD ORDINANCE SPECIFICATIONS: The effective date of this Ordinance is March 5, 2005. This Ordinance repeals and replaces all previously enacted road construction and road standard ordinances.

SECTION III. Applicability

A. CONSTRUCTION: This Ordinance shall apply to the construction of all new roads or streets within the Town whether public or private. No road or street, whether new or existing, shall be accepted as a Town way unless it meets the provisions of this ordinance.

B. HIGHER DESIGN AND CONSTRUCTION STANDARD: Nothing in this Ordinance shall be construed to prevent the design and construction of streets or roads which meet higher standards, use improved methods, or use higher quality materials.

SECTION IV. Application Procedures

Prior to the construction of any new road or street, an application shall be submitted to the Town of Otisfield Planning Board and Code Enforcement Officer with the following information:
A. SUBMISSION REQUIREMENTS:

1. The name(s) of the applicant(s)
2. The name(s) of the owner(s) on record of the land upon which the proposed street or road is to be located
3. A statement of any legal encumbrances on the land upon which the proposed street or road is to be located, and a deed to the street or road in favor of the Town with a metes and bounds description of the street or road and an attached plan of the street or road prepared by a Maine licensed professional land surveyor and/or a Maine licensed professional engineer.
4. The anticipated starting and completion dates of each major phase of construction
5. A statement indicating the nature and volume of traffic expressed in average daily traffic (ADT) expected to use the proposed street or road
6. Appropriate nonrefundable application fee

B. PLANS

The plans and illustrations submitted as part of the application shall be prepared by a Maine licensed professional land surveyor and/or a Maine licensed professional engineer to include the following information:

1. The scale of the plan. (All street and roadway plan and profile drawings shall be drawn to a scale not to exceed 1 in = 50ft horizontal and 1 in = 5ft vertical)
2. True or magnetic north meridian arrow
3. A plan with topography before and after for a distance of 100ft beyond the right of way, a profile, and typical cross section views of all proposed streets or roads
4. The starting and ending point with relation to established roads, streets, or ways and any planned or anticipated future extensions of same roads, streets, or ways. (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, road, or way showing the names of all owners of abutting property
8. All natural waterways and watercourses in or on land contiguous to said road, street or way
9. The kind, size, location, planned profile, and cross section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways
10. The soil erosion and sedimentation control plan showing interim and final control provisions

11. Curve data for all horizontal and vertical curves shall be the central angle, center line radius, arc length, beginning of curve 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 location, it shall be noted on the plan as such.)

   a. storm drains
   b. telephone line poles or underground vaults
   c. electrical power line poles or underground vaults
   d. street lights
   e. public water supply lines
   f. sanitary sewer lines
   g. gas mains

16. The names of each proposed road, street, or way (NOTE: See Section VIII C)

17. Monuments (NOTE: See Section VIII D)

C. REVIEW AND COMMENT

Upon receipt of an application and plans for a proposed public street, road or way, the Planning Board shall forward one copy each to the Board of Selectmen, the Road Commissioner, the Code Enforcement Officer, and the Fire Chief for review and comment. Plans for a street, road or way which are not proposed to be accepted by the Town of Otisfield shall also be sent to each of the following: The Board of Selectmen, the Road Commissioner, the Code Enforcement Officer, and the Fire Chief, for review and comment. The deed to the proposed street, road, or way shall be sent to the Town attorney for review and comment.

D. STREETS WITHIN PROPOSED SUBDIVISION

Streets, roads or ways proposed as part of a subdivision as defined in the Subdivision Ordinance of the Town of Otisfield shall be submitted to the Planning Board as an integral part of the subdivision application. Plans shall conform to the provisions of the ordinance as well as those required by the Subdivision Ordinance of the Town of Otisfield.
E. APPLICATION AND REVIEW FEES

1. The nonrefundable application fee of $___________ shall be paid to the Town of Otisfield upon submission of an application. The Board of Selectmen shall have the authority to review and revise the application fee. The application fee shall be waived if the street, road, or way, is being reviewed as an element of a subdivision application.

2. A Design Review and Inspection Fee shall be paid to the Town of Otisfield upon submission of an application. The fee shall be for the amount of two (2) percent of the estimated costs of the construction and improvements to be for the design and inspection of the same by a licensed professional engineer in the State of Maine of the Town’s choosing. If upon satisfactory (to the Town) completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within thirty (30) days. If the inspection account shall be drawn down by eighty (80) percent, the applicant shall deposit an additional one (1) percent of the estimated cost of construction and improvements.

F. APPLICATION REVIEW

1. Complete Application: Within thirty (30) days from the date of receipt, the Planning Board shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make the application complete. Determination by the Planning 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 Planning 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 Planning 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 Planning 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 owners of abutting property, published in a newspaper of general circulation in the Town of Otisfield at least one (1) time: 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 road, street, or way, shall not be deemed to constitute or be evidence of any acceptance by the Town of Otisfield. Final acceptance of a proposed public way shall be by an affirmative vote at the Town of Otisfield Annual Meeting.

SECTION VI. Street Design Standards

A. These design standards shall be met by all streets and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances. These design standards shall be in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991 or newer.

B. Streets shall be designed to discourage through traffic within a residential subdivision.

C. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.

D. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town of Otisfield.

E. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicated plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Realignment (Widening) Purposes”. Land reserved for such purposes may not be included in computing lot area or setback requirements.

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 owner and shall not be accepted or maintained by the Town of Otisfield.”

G. Any privately owned street serving four dwellings units or less will not require pavement.

H. Driveways off any Town way need a Road Opening Permit. Anyone installing a driveway or entrance along a State highway must get a permit from the Maine DOT. All new residential dwellings in a new major subdivision must have paved driveways.

I. The following design standards apply according to street classification:
STREET DESIGN STANDARDS

TYPE OF STREET

<table>
<thead>
<tr>
<th>Description</th>
<th>Arterial</th>
<th>Collector</th>
<th>Private/Minor</th>
<th>Industrial/Comm.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum ROW width</td>
<td>80ft</td>
<td>60ft</td>
<td>60ft</td>
<td>60ft</td>
</tr>
<tr>
<td>Minimum traveled width</td>
<td>44ft</td>
<td>24 ft</td>
<td>20ft</td>
<td>30ft</td>
</tr>
<tr>
<td>Minimum width of Shoulders</td>
<td>5ft</td>
<td>3ft</td>
<td>3ft</td>
<td>5ft</td>
</tr>
<tr>
<td>Shoulders (each side)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Grade</td>
<td>.5%</td>
<td>.5%</td>
<td>.5%</td>
<td>.5%</td>
</tr>
<tr>
<td>Maximum Grade+</td>
<td>5%</td>
<td>6%</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>Minimum centerline radius</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Without super elevation</td>
<td>500ft</td>
<td>280ft</td>
<td>280ft</td>
<td>400ft</td>
</tr>
<tr>
<td>With super elevation</td>
<td>350ft</td>
<td>175ft</td>
<td>175ft</td>
<td>300ft</td>
</tr>
<tr>
<td>Roadway Crown++</td>
<td>1/4in per ft</td>
<td>1/4in per ft</td>
<td>1/4in per ft</td>
<td>1/4in per ft +++</td>
</tr>
<tr>
<td>Minimum angle of street</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intersections++++</td>
<td>90 degrees</td>
<td>90 degrees</td>
<td>90 degrees</td>
<td>90 degrees</td>
</tr>
<tr>
<td>Maximum grade within 75ft Of intersection</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Minimum curb radii</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At intersections</td>
<td>30ft</td>
<td>25ft</td>
<td>20ft</td>
<td>30ft+++++</td>
</tr>
<tr>
<td>Minimum ROW radii</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At intersections</td>
<td>20ft</td>
<td>10ft</td>
<td>10ft</td>
<td>20ft</td>
</tr>
<tr>
<td>Minimum sub base (MDOT 703.06 Type B)</td>
<td>18in</td>
<td>18in.</td>
<td>18in.</td>
<td>18in.</td>
</tr>
<tr>
<td>Minimum base (MDOT 703.06 Type A)</td>
<td>3in.</td>
<td>3in.</td>
<td>3in.</td>
<td>3in.</td>
</tr>
</tbody>
</table>

+ Maximum grade may be exceeded for a length of 100ft or less
++ Roadway crown is per foot of lane width
++++ Gravel surfaces shall have a minimum crown of 1/4 in per ft of lane width
+++++ Street intersection angles shall be as close to 90 degrees as feasible but no less than the listed angle
++++++ Should be based on turning radii of expected commercial vehicles, but no less that 30ft.
* If required by subdivision ordinance

1. MDOT specifications will be used to establish material quality specifications. These material thicknesses presume a suitable native soil below sub-grade. Fine-grained soils having a California Bearing Ratio of less than fifteen (15) percent will generally require additional sub-base material.
2. Culvert sizes to be determined based on hydrologic computations performed by a licensed professional engineer in the State of Maine.
3. A diagram and chart for cross sections of the roads for each of the categories is included in Attachment A.

Note: For street definitions see Section XVI.
J. TRIP GENERATION RATES

The following chart shall be used to determine the anticipated average daily traffic (ADT) levels of proposed residential development.

<table>
<thead>
<tr>
<th>Housing Types</th>
<th>Average weekday trip generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family detached</td>
<td>10 trips per dwelling unit</td>
</tr>
<tr>
<td>Duplex (twin) Multiplex</td>
<td>8 trips per dwelling unit</td>
</tr>
<tr>
<td>Townhouses, etc.</td>
<td>8 trips per dwelling unit</td>
</tr>
<tr>
<td>Apartment</td>
<td>8 trips per dwelling unit</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>8 trips per dwelling unit</td>
</tr>
<tr>
<td>Retirement Village</td>
<td>3.5 trips per dwelling unit</td>
</tr>
</tbody>
</table>

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

L. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: 65ft to property lines and 50ft to the edge of pavement. Dead-end streets may provide a permanent “T” turn-around in lieu of a cul-de-sac. Such turn-arounds shall be a minimum of 50ft in length, in each direction, from the centerline of entrance road and 30ft in width.

  a. All roads constructed within a subdivision shall have either one entrance/exit with a looped interior road or two entrances/exports with a U shaped road within the interior. A cul-de-sac or “T” turn around is not to be used.

M. GRADIENTS, INTERSECTIONS, AND SIGHT DISTANCES

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

<table>
<thead>
<tr>
<th>Posted Speed Limit</th>
<th>Sight Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>25mph</td>
<td>250ft</td>
</tr>
<tr>
<td>30mph</td>
<td>300ft</td>
</tr>
<tr>
<td>35mph</td>
<td>350ft</td>
</tr>
<tr>
<td>40mph</td>
<td>400ft</td>
</tr>
<tr>
<td>45mph</td>
<td>450ft</td>
</tr>
<tr>
<td>55mph</td>
<td>550ft</td>
</tr>
</tbody>
</table>
d. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

e. 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 250 ft shall be maintained between centerlines of side streets.

SECTION VII. Street Construction Standards

A. PREPARATION

1. Before any clearing has started on the traveled way, the centerline and side lines of the new road shall be staked or flagged at 50ft intervals.

2. Before grading is started the entire Right-of-way, width necessary for travel way, shoulders, sidewalks, drainage ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps protruding above the natural profile of the land shall be removed from the travel way, shoulders, sidewalks and drainage ways.

3. All organic materials shall be removed to a depth of two (2) feet below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the sub grade 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 (2) feet below the sub- grade and replaced with material meeting the specifications for gravel aggregate sub- base below. In lieu of removal of all organic material, engineering fabric (geo-textile) may be used to stabilize the road base.

4. Side slopes shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical. Ditch slopes shall be no steeper than a slope of two (2) feet horizontal to one (1) foot vertical. All disturbed areas shall be stabilized structurally or vegetatively in compliance with the appropriate Best Management Practice according to the specifications of the erosion and sedimentation control plan.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.
B. BASES AND PAVEMENT SPECIFICATIONS

1. Base material
   All aggregate sub base and base material shall be free of rocks or rock particles which exceed the applicable MDOT specifications of four (4) inches in diameter if not specified. It shall provide good drainage. Depth of fill material will be as measured after compaction. For eighteen (18) inches of material, compaction shall occur after each nine (9) inch lift. For twenty-four (24) inches of material, compaction is required after each twelve (12) inch lift.

2. All base and sub base materials will be placed at a moisture content to achieve the desired compaction. Compact all base and sub base material to at least ninety (90) percent of the maximum density as determined in accordance with ASTM D698. Determine in place density using ASTM D1556 or D 2022 or other method determined by the Planning Board. The Board shall determine the frequency of in-place testing required.

3. Pavements
   a. Base mix: A 2 inch depth of grade B base mix is required with an aggregate size no more than ¾ inch maximum, and a liquid asphalt content between 5.2% and 6% by weight.
   b. Surface mix: A 1 inch layer of mix is required for grade C or grade D with an aggregate size no greater than ½ inch and a liquid asphalt content between 6.0% and 7.0% by weight

SECTION VIII. Additional Improvements and Requirements

A. EROSION CONTROL: The procedures outlined in the erosion and sedimentation control plan shall be implemented before and during, the site preparation, during construction, and during 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. STREET NAMES, SIGNS, AND LIGHTING: Streets, which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to, the names of existing streets within the Town of Otisfield. They shall be subject to the approval of the Board of Selectmen for the Town of Otisfield. The developer shall reimburse the Town of Otisfield for the costs of installing street-name, traffic-safety, and control signs. Street lighting shall be installed as approved by the Planning Board.

D. MONUMENTS: At least one sideline of any proposed roadway will be monumented with either iron pins, concrete, or granite monuments at all angle points and points or curvature.
SECTION IX. Certification of Construction

Upon completion of street construction and prior to a vote by the Town of Otisfield Selectmen to submit a proposed public way to the Annual Town Meeting, a written certification signed by a licensed professional engineer registered in the State of Maine shall be submitted to the Board of Selectmen at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations. “As built” plans shall be submitted to the Board of Selectmen.

SECTION X. Performance Guarantees

Performance guarantees shall be as specified in the Town of Otisfield Subdivision Ordinance. (See Article 13, Performance Guarantee.)

SECTION XI. Inspection

A. Notification of Construction: At least five (5) days prior to commencing street construction or alteration of roads, the applicant shall:

1. Notify the Code Enforcement Officer in writing of the time when (s) he proposes to commence construction so that the Planning Board can arrange for inspection to be made. The inspecting official shall assure that all Town specifications, requirements, and conditions of approval shall be met during the construction and shall assure the satisfactory completion of improvements required by the Planning Board.

B. Noncompliance With Plan: Upon finding the improvements have not been constructed in accordance with the approved plans and specifications, the inspector shall so report in writing to the Board of Selectmen, Planning Board, Code Enforcement Officer, and applicant. The Board of Selectmen shall take any steps necessary to assure compliance with the approved Plans.

C. Modification During Construction: If at any time it appears necessary or desirable to modify the required improvements before or during construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden crops 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 of Selectmen, Planning Board, and Code Enforcement Officer. Revised plans shall be filed with the Planning Board for the record. For major modifications, such as relocation of rights-of-way, changes in grade by more than 1%, etc. the applicant shall submit to the Planning Board an amended application for review and approval.
SECTION XII. Modification of Road Specifications

A. Where the Planning Board finds extraordinary and unnecessary hardships may result from the strict compliance with these standards, it may vary these standards so that substantial justice may be done and the public interest served.

B. In granting modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements modified.

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 thirty (30) days from the Board’s decision on the Application by any aggrieved party to Superior Court in accordance with Rule 80 B of the Maine Rules of Civil Procedure.

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 Board of Selectmen; or
   3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the Town of Otisfield 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 Town of Otisfield at least seven (7) days prior to the hearing.

C. Adoption of Amendment: An amendment of this Ordinance shall be adopted by majority vote of a Town Meeting.
SECTION XVI. Definitions

Access: See Right of Way

Arterial street: A major thoroughfare, which serves as a traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: Powhatan Road, Bolsters Mills Road, Gore Road, State Route 121, and State Route 117.

Average daily traffic: A traffic count of vehicles anticipated for weekdays based on the number of dwelling units in residential developments. (See chart, page 6.)

Collector street: A street with average daily traffic of 250 vehicles per day or greater, or streets, which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

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

Driveway: A vehicular access way less than 500 feet long, serving two (2) lots or Less

Major road: A road, which has an average daily traffic count exceeding 250 vehicles.

Minor road: A road, which has an average daily traffic count of 250 vehicles or fewer.

Public Easement: A public easement is defined in 23 M.R.S.A. # 3021 as “an easement held by a municipality for purpose of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute” prior to July 29, 1976.

Privately way: Any way designed for private use and maintained by the property owner or group of property owners, and which is not an accepted Town road.

Public road: A way or public easement for highway purposes as defined in 23 MRSA 3021 held by any governmental body.

Right of Way: An area or strip of land less than fifty (50) feet wide described in a deed, and dedicated to the purpose of providing access to a parcel or parcels of land abutting it and indicating responsibility for maintaining said right of way.
Road: Any public or private way designed for vehicular access, other than driveways, farm roads, trails or logging roads. The term “road” includes the normal meaning conveyed by synonymous words including street, avenue, highway, lane, way, etc.

Street: Public and private ways such as alleys, avenues, boulevards, highways, and Roads

Town Way: A public road owned and maintained by the Town of Otisfield that is not a public easement.
### EXHIBIT A

**SHOULDER TYPICAL**

**SURFACE OR BASE GRAVEL**

**TRAVELED WIDTH**

**PAVED SURFACE**

**SIDE SLOPE SHALL BE NO STEEPER THAN 3 (HOR) TO 1 (VERT).**

**COMMON BORROW OR PREPARED NATURAL GROUND**

**DITCH SIDE SLOPES TO BE NO STEEPER THAN 2:1**

---

<table>
<thead>
<tr>
<th>Item</th>
<th>Collector</th>
<th>Private - Minor</th>
<th>Industrial - Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traveled Width</td>
<td>24 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Subbase Gravel, Compacted Depth</td>
<td>18 in.</td>
<td>18 in.</td>
<td>18 in.</td>
</tr>
<tr>
<td>Base Gravel, Compacted Depth</td>
<td>3 in.</td>
<td>3 in.</td>
<td>3 in.</td>
</tr>
<tr>
<td>Shoulder Width</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Shoulder Cross Slope</td>
<td>1/2&quot; per ft.</td>
<td>1/2&quot; per ft.</td>
<td>1/2&quot; per ft.</td>
</tr>
<tr>
<td>Pavement Depth</td>
<td>3 in.</td>
<td>3 in.</td>
<td>3 in.</td>
</tr>
<tr>
<td>Paved Surface Cross Slope</td>
<td>1/4&quot; per ft.</td>
<td>1/4&quot; per ft.</td>
<td>1/4&quot; per ft.</td>
</tr>
<tr>
<td>Gravel Surface Cross Slope*</td>
<td>allowed</td>
<td>1/2&quot; per ft.</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

All dimensions, except cross slope grades are the minimum required. Cross slope grades shall be as specified. Where any conflict exists between this table and the Street Design Standards table, the more stringent of the two shall apply.

*Roads to remain Private do not require paving. All roads planned for town acceptance shall be paved with bituminous concrete as required by this ordinance.
1. AUTHORITY AND PURPOSE: This ordinance is adopted by the Select Board of the Town of Otisfield in accordance with 30-A M.R.S.A. § 3009. The Selectmen find that unrestricted parking of motor vehicles on certain portions of public ways in Town creates a traffic hazard and is dangerous to motorists and pedestrians alike. Further, the unrestricted parking of motor vehicles on public ways during sanding, snowplowing and snow removal operations may create traffic hazards and hamper the municipality's winter maintenance operations. Unrestricted parking causes traffic congestion, reduces sight distances for motorists, and causes motorists to drive outside the designated travel lane and into oncoming traffic. The purpose of this ordinance is to regulate parking as necessary to protect the public health, safety and welfare.

2. DEFINITIONS: Words used in this ordinance shall be defined in accordance with 29-A M.R.S.A. §101; any undefined word shall have its common, ordinary meaning.

3. RESTRICTIONS:

- **Posted restrictions:** No person may park a motor vehicle on any public way or portions of public way, where "No Parking/ Tow Away Zone" signs or signs bearing substantially similar language have been erected by the municipality.

- **Snow/ice removal operations:** No person may park a motor vehicle within the right-of-way of any public way in a manner which interferes with plowing, sanding or snow/ice removal operations by the municipality.

- **Overnight Parking:** Overnight parking is prohibited on any municipal property that is so posted.
4. FINE AND TOWING

- **CIVIL PENALTY:** Any person who violates this ordinance may be subject to a civil penalty of $50.00 which shall inure to the municipality. In the event that court action is necessary to collect the fine, the violator shall also be responsible for the municipality’s court costs and reasonable attorney’s fees.

- **TOWING:** A motor vehicle parked in violation of this ordinance may be towed by a wrecker authorized by the municipality, at the request of and under the supervision of the road commissioner, fire chief, selectman or other official duly authorized and appointed by the Select Board or any law enforcement agency. The towing is initiated by calling Oxford County Dispatch (207) 743-9554. They will in turn select an approved towing company that will remove the vehicle.

- **5. RELEASE OF TOWED VEHICLE:** Any person seeking release of a motor vehicle towed pursuant to this ordinance must first (a) pay all towing charges and storage charges, (b) present satisfactory evidence of his or her right to possession and (c) sign a receipt for the vehicle. The municipality is not liable for any damage that may be caused by towing of a vehicle, or for any towing or storage charges.

6. **PRIMA FACIE EVIDENCE OF OPERATION:** No person shall cause, allow or permit a motor vehicle registered in his or her name to park in violation of this ordinance. The fact that a motor 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.

7. **ENFORCEMENT AND PENALTIES:** This ordinance shall be enforced by any official duly appointed and authorized by the Selectmen or by any law enforcement agency. A violation of this ordinance is a civil violation punishable by a civil penalty of $50.00. Any person charged with a violation of this ordinance may waive court action by paying a fee of $20.00 to the Town Clerk within 30 days of the violation. The violator shall also be responsible for the municipality’s court costs and reasonable attorney’s fees.
8. **SEVERABILITY AND EFFECTIVE DATE**: In the event that any provision of this ordinance is declared by a court to be unenforceable, the remaining provisions continue in full force and effect. This ordinance shall become effective when adopted by a majority of the Select Board.

Hal Ferguson, Chairman

Rick Micklon

Lenny Adler

Date adopted: December 5, 2012
TOWN OF OTISFIELD
SUBDIVISION ORDINANCE

Effective Date: March 1, 2003

As Adopted by the Planning Board
August 19, 1997
Amended 3/05/99, 8/28/02, 3/01/03, 6/27/09

TOWN OF OTISFIELD
403 STATE ROUTE 121, OTISFIELD, MAINE 04270-6274
PHONE: 207.539.2664    FAX: 207.539.2246
ARTICLE 1 – PURPOSES

The purposes of these Regulations are:

1.1 To provide for an expeditious and efficient process for the review of proposed subdivisions;

1.2 To clarify the approval criteria of the state Subdivision Law, found in Title 30-A MRSA, §4404;

1.3 To assure new development in the Town of Otisfield meets the goals and conforms to the policies of the Otisfield Comprehensive Plan;

1.4 To assure the comfort, convenience, safety, health and welfare of the people of the Town of Otisfield;

1.5 To protect the environment and conserve the natural and cultural resources identified in the Otisfield Comprehensive Plan as important to the community;

1.6 To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

1.7 To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and

1.8 To promote the development of an economically sound and stable community.

ARTICLE 2 - AUTHORITY AND ADMINISTRATION

2.1 Authority.

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

B. These standards shall be known and may be cited as "Otisfield Subdivision Ordinance."

2.2 Administration.

A. The Planning Board of the Town of Otisfield, hereinafter called the Board, shall administer these Ordinances.

B. The provisions of these Ordinances shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Otisfield.

2.3 Amendments.

A. This ordinance may be amended by:

1. The Legislative Body of the Town of Otisfield.

2. The Planning Board if the Legislative Body has not adopted or amended the standards.

B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.
2.4 Conflict with Other Ordinances
Whenever a provision of these Ordinances conflicts with or is inconsistent with other provisions of these Ordinances, or of any other Ordinance, regulation or standard, the more restrictive provision shall apply.

2.5 Effective Date
The effective date of these regulations shall be March 6, 1999.

2.6 Validity and Severability
Should any section or provision of these Ordinances be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

2.7 Repeal of Existing Subdivision Ordinances
Adoption of these Ordinances shall repeal any and all previously adopted subdivision regulations.

ARTICLE 3 – DEFINITIONS
In general, words and terms used in these Ordinances shall have their customary dictionary meanings. More specifically, any word or term defined in the Otisfield Definitions Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the comprehensive plan for housing affordability.

Applicant: The person applying for subdivision approval under these Ordinances.

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

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

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

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

ARTICLE 4 - ADMINISTRATIVE PROCEDURE
In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than three (3) working days in advance of the meeting, and made available to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board’s agenda at least ten 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 Board's 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 Board's written agenda.

ARTICLE 5 - PRE-APPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION

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

5.2 Procedure.
A. The applicant shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
C. The date of the on-site inspection is selected.

5.3 Submission.
The Pre-application Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:
A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in size.
B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

5.4 Contour Interval and On-Site Inspection.
Within forty-five days of the pre-application meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5.5 Rights not Vested.
The pre-application meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 MRSA, §302.

5.6 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 meeting and application shall be maintained in the file.
ARTICLE 6 - MINOR SUBDIVISION

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

6.2 Procedure.
A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a final plan at least three days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal office or delivered by hand to the municipal office. Failure to submit the application within six months shall require resubmission of the Sketch Plan to the Board. The final plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for final plan approval for a Minor Subdivision shall be accompanied by a nonrefundable application fee of $(See Town Fee Schedule) per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of $(See Town Fee Schedule) 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 this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional $(See Town Fee Schedule) per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional $(See Town Fee Schedule) 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 plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising.

C. The applicant, or his 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 Board's receipt of the plan until the next meeting which the applicant attends.

D. Within fifteen (15) days of the meeting at which an application for final plan approval of a minor subdivision is initially presented, the Board shall:
1. Issue a dated receipt to the applicant.
2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

E. Within forty-five (45) days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon a determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of that determination. The Board shall determine whether to hold a public hearing on the final plan application.

G. If the Board decides to hold a public hearing, it shall hold the hearing within forty-five (45) days of determining that it has received a complete application, and shall publish a
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
days prior to the hearing. A copy of the notice shall be mailed to the applicant and
abutters.

H. Within forty-five (45) days from the public hearing or within seventy-five (75) days of
determining a complete application has been received, if no hearing is held, or within
another time limit as may be otherwise mutually agreed to by the Board and the applicant,
the Board shall make findings of fact, and conclusions relative to the criteria contained in
Title 30-A MRSA, §4404 and the standards of Article 11. If the Board finds that all the
criteria of the Statute and the standards of Article 11 have been met, they shall approve the
final plan. If the Board finds that any of the criteria of the statute or the standards of
Article 11 have not been met, the Board shall either deny the application or approve the
application with conditions to ensure all of the criteria and standards will be met by the
Subdivision. The Board shall issue a written notice of its decision to the applicant,
including it findings, conclusions and any reasons for denial or conditions of approval.

6.3 Submissions.
The final plan application shall consist of the following items.
A. Application Form.
B. Location Map. The location map shall be drawn at a size adequate to show the relationship
of the proposed subdivision to the adjacent properties, and to allow the Board to locate the
subdivision within the municipality. The location map shall show:
1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing streets.
4. An outline of the proposed subdivision and any remaining portion of the owner's
   property if the final plan submitted covers only a portion of the owner's entire
   contiguous holding.
C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of two reproducible,
stable-based transparencies, one to be recorded at the Oxford County Registry of Deeds,
the other to be filed at the municipal office, and three copies of one or more maps or
drawings drawn to a scale of not more than one hundred feet to the inch. The reproducible
transparencies shall be embossed with the seal of the individual responsible for preparation
of the plan. Plans for subdivisions containing more than one hundred acres may be drawn
at a scale of not more than two hundred feet to the inch provided all necessary detail can
easily be read. Plans shall be no larger than 24 x 36 inches in size, and shall have a margin
of two inches outside of the border lines on the left side for binding and a one inch margin
outside the border along the remaining sides. Space shall be provided for endorsement by
the Board. Three copies of all information accompanying the plan shall be submitted. In
addition, one copy of the Plan(s) reduced to a size of 8½ x 11 inches or 11 x 17 inches
shall also be provided.
D. Application Requirements.
The application for approval of a Minor Subdivision shall include the following
information. The Board may require additional information to be submitted, where it finds
necessary in order to determine whether the criteria of Title 30-A, MRSA, §4404 are met.
1. Proposed name of the subdivision, or identifying title, and the name of the
   municipality in which it is located, plus the assessor's map and lot numbers.
2. Verification of right, title, or interest in the property.
3. A standard boundary survey of the parcel, giving complete descriptive data by
   bearings and distances, made and certified by a registered land surveyor. The
corners of the parcel shall be located on the ground and marked by monuments or property pins. The plan shall indicate the type of monument or property pins found or to be set at each lot corner.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

6. Test pit analyses, prepared by a Licensed Site Evaluator shall be provided for each proposed lot. A map showing the location of all test pits dug on the site shall be submitted.

7. Evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

8. The date the plan was prepared, north point, and graphic map scale.

9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.

10. Wetland areas shall be identified on the survey, regardless of size.

11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.

12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

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

14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways and underground utilities on or adjacent to the property to be subdivided.

16. The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.

17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

18. The location of any open space to be preserved and a description of proposed improvements and its management.

19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
20. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

21. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when
   a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985, Map No. 12 & 15.
   b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or proposed use of shared or common subsurface waste water disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 11.12.A.1 below.


23. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991 or newer. The Board may not waive submission of the erosion and sedimentation control plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

24. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a critical natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

25. Since any and all proposed subdivisions in Otisfield are in the direct watershed of a great pond, a phosphorus control plan.
   a. For subdivisions which qualify for the simplified review procedure as described in Section 11.17.A.2, the plan shall indicate the location and dimensions of vegetative buffer strips. A long-term maintenance plan for all phosphorus control measures shall also be included.
   b. For subdivisions which do not qualify for the simplified review procedure as described in Section 11.17.A.2, the following shall be submitted.
      1. A phosphorus impact analysis and control plan conducted using the procedures set forth in Phosphorus Control in Lake Watersheds: A
2. A long-term maintenance plan for all phosphorus control measures.
3. The contour lines shown on the plan shall be at an interval of no less than five feet.
4. Areas with sustained slopes greater than 20% covering more than one acre shall be delineated.

26. The location and method of disposal for land clearing and construction debris.

ARTICLE 7 - Preliminary PLAN FOR MAJOR SUBDIVISION

7.1 Procedure.
A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least three days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for preliminary plan approval for a Major Subdivision shall be accompanied by an application fee of $(See Town Fee Schedule) per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of $(See Town Fee Schedule) 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 the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional $(See Town Fee Schedule) per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional $(See Town Fee Schedule) 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 plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising.

C. The applicant, or the applicant's representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Board's receipt of the plan until the next meeting that the applicant attends.

D. Within fifteen (15) days of the meeting at which an application for preliminary plan approval of a major subdivision is initially presented, the Board shall:
1. Issue a dated receipt to the applicant.
2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

E. Within forty-five days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
F. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of its determination. The Board shall determine whether to hold a public hearing on the preliminary plan application.

G. If the Board decides to hold a public hearing, it shall hold the hearing within forty-five days of determining that it has received a complete application, and shall publish a 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 days prior to the hearing. A copy of the notice shall be mailed to the applicant.

H. Within forty-five days from the public hearing or within seventy-five (75) days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

I. The Board shall notify the road commissioner and fire chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall also notify the Superintendent of Schools of the number of dwelling units proposed.

J. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:
   1. The specific changes which it will require in the final plan;
   2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
   3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.

K. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these Ordinances and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

7.2. Submissions,
The preliminary plan application shall consist of the following items.

A. Application Form.
B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
   1. Existing subdivisions in the proximity of the proposed subdivision.
   2. Locations and names of existing and proposed streets.
   4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
C. Preliminary Plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) reduced to a size of 8½ x 11 inches or 11 x 17 inches, shall also be provided.

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

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
2. Verification of right, title or interest in the property.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. Test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.
8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners within 1000 feet (including across any roads).
10. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways, and other underground utilities on or adjacent to the property to be subdivided.
16. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

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

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

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

21. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.

22. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

23. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when
   a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985, Map Nos. 12 & 15.
   b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 11.12.A.1.

24. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, 1991 edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

25. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

26. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate
appropriate measures for the preservation of the values which qualify the site for such designation.

27. If the proposed subdivision qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures. If the proposed subdivision does not qualify for the simplified review procedure, the following shall be submitted.


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

c. Areas with sustained slopes greater than 20% covering more than one acre shall be delineated.

d. Test pits indicating hydrogeologic soil groups need to be placed in areas to be developed and used for phosphorous controls

**ARTICLE 8 - FINAL PLAN FOR MAJOR SUBDIVISION**

8.1 Procedure.

A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least three (3) days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require re-submission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

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

B. All applications for final plan approval for a major subdivision shall be accompanied by an application fee of $ (See Town Fee Schedule) per lot or dwelling unit payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act.

2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a stormwater management permit or a waste water discharge license is needed.
3. Maine Department of Human Services, if the applicant proposes to provide a public water system.

4. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.

5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

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

E. At the meeting at which an application for final plan approval of a major subdivision is initially presented, the Board shall issue a dated receipt to the applicant.

F. Within forty-five (45) days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

G. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the applicant. The Board shall determine whether to hold a public hearing on the final plan application.

H. If the Board decides to hold a public hearing, it shall hold the hearing within forty-five (45) days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing.

I. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 13.

J. Within forty-five (45) days from the public hearing or within seventy-five (75) days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A, MRSA, §4404 and the standards of these Ordinances. If the Board finds that all the criteria of the statute and the standards of these Ordinances have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these Ordinances 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.

8.2 Submissions.

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 x 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable-based transparencies, one to be recorded at the Oxford County Registry of Deeds, the other to be filed at the municipal office, and three copies of the plan shall be submitted. The applicant may instead submit one reproducible stable-based transparent original of the final plan and one recording plan with three copies of the final plan. In addition,
one copy of the final plan, reduced to a size of 8½ x 11 inches or 11 x 17 inches, and all
accompanying information shall be mailed to each Board member no less than seven days prior to
the meeting.
The final plan shall include or be accompanied by the following information.
A. Proposed name of the subdivision and the name of the municipality in which it is located,
   plus the assessor's map and lot numbers.
B. The number of acres within the proposed subdivision, location of property lines, existing
   buildings, watercourses, and other essential existing physical features.
C. An indication of the type of sewage disposal to be used in the subdivision.
D. An indication of the type of water supply system(s) to be used in the subdivision.
   1. When water is to be supplied by an existing public water supply, a written
      statement from the servicing water district shall be submitted indicating the district
      has reviewed and approved the water system design. A written statement shall be
      submitted from the fire chief approving all hydrant locations or other fire
      protection measures deemed necessary.
   2. 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.
E. The date the plan was prepared, north point, graphic map scale.
F. The names and addresses of the record owner, applicant, and individual or company who
   prepared the plan.
G. The location of any zoning boundaries affecting the subdivision.
H. If different than those submitted with the preliminary plan, a copy of any proposed deed
   restrictions intended to cover all or part of the lots or dwellings in the subdivision.
I. The location and size of existing and proposed underground utilities, culverts, and
   drainage ways on or adjacent to the property to be subdivided.
J. The location, names, and present widths of existing and proposed streets, highways,
   easements, buildings, parks and other open spaces on or adjacent to the subdivision. The
   plan shall contain sufficient data to allow the location, bearing and length of every street
   line, lot line, and boundary line to be readily determined and be reproduced upon the
   ground. These lines shall be tied to reference points previously established. The location,
   bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a
   registered land surveyor. The original reproducible plan shall be embossed with the seal of
   the registered land surveyor and be signed by that individual.
K. Street plans, meeting the requirements of Section 12.2.B.2. and Section 12.2.B.3.
L. A stormwater management plan, prepared by a registered professional engineer in
   accordance with the Stormwater Management for Maine: Best Management Practices,
   published by the Maine Department of Environmental Protection (1995 or newer). The
   Board may not waive submission of the stormwater management plan and shall include a
   long-term maintenance plan.
M. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion
   and Sedimentation Control Handbook for Construction: Best Management Practices,
   published by the Cumberland County Soil and Water Conservation District and the Maine
   Department of Environmental Protection, March 1991 or newer. The Board may not
   waive submission of the erosion and sedimentation control plan.
N. The width and location of any streets or public improvements or open space shown upon
   the official map and the comprehensive plan, if any, within the subdivision.
O. All parcels of land proposed to be dedicated to public use and the conditions of such
   dedication. Written offers to convey title to the municipality of all public ways and open
   spaces shown on the Plan, and copies of agreements or other documents showing the
manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

P. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

Q. If the proposed subdivision does not qualify for the simplified review procedure for phosphorus control under Section 11.17.A.2, the following shall be submitted or indicated on the plan.

1. A phosphorus impact analysis and control plan conducted using the procedures set forth in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992 or newer. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.

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

3. The contour lines shown on the plan shall be at an interval of no less than two feet on areas being developed and at five feet for all other areas.

4. Areas with sustained slopes greater than 20% covering more than one acre shall be delineated.

R. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.

S. The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

T. The location and method of disposal for land clearing and construction debris.

8.3 Final Approval and Filing.

A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the municipality.

B. Upon findings of fact and determination that all standards in Title 30-A, MRSA, §4404, and these Regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. 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. One copy of the signed plan shall be forwarded to the code enforcement officer. Any subdivision not recorded in the Oxford County Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

C. 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 ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board may require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision.

D. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the
revised final plan is first submitted and the Board approves any modifications, except in accordance with Article 10. The Board shall make findings that the revised plan meets the criteria of Title 30-A, MRSA, §4404, and the standards of these Ordinances. 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 Oxford County Registry of Deeds.

E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area is 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.

F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Oxford County Registry of Deeds to that effect.

ARTICLE 9 - REVISIONS TO APPROVED PLANS

9.1 Procedure. An applicant for a revision to a previously approved plan shall, at least three (3) days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

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

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

ARTICLE 10 - INSPECTIONS AND ENFORCEMENT

10.1 Inspection of Required Improvements. A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:

1. Notify the code enforcement officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required
improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

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

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Board to modify the plans in accordance with Article 9.

D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether stormwater and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

F. Upon completion of street construction a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the street meets or exceeds the design and construction requirements of these Regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.

G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until control is placed with a lot owners' association.

10.2 Violations and Enforcement.

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

B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Oxford County Registry of Deeds.

C. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.

E. **Development of a subdivision without Board approval shall be a violation of law.** Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in these Ordinances and recorded in the Oxford County Registry of Deeds.

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

G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, MRSA, §4452.

**ARTICLE 11 - PERFORMANCE STANDARDS**

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

**11.1 Pollution.**

A. The proposed subdivision shall not discharge waste water to a water body without a license from the Maine Department of Environmental Protection.

B. Discharges of stormwater shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the stormwater shall be treated in order to remove excess nutrients.

**11.2 Sufficient Water.**

A. Water Supply.

1. When a subdivision is to be served by a public water system, the complete supply system within the subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the fire chief.

2. a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.

   b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installer rules.
c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

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

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

11.4 Soil Erosion.
A. The proposed subdivision shall prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.
B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
C. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

11.5 Traffic Conditions.
A. In general, provisions shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
2. Avoid traffic congestion on any street; and
3. Provide safe and convenient circulation on public streets and within the subdivision.
B. More specifically, access and circulation shall also conform to the following standards.
1. The vehicular access to the subdivision shall be arranged to avoid through traffic use of existing streets which the comprehensive plan has classified as residential access streets.
2. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of the street giving access to the subdivision and neighboring streets and intersections to "E" or below, unless the comprehensive plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection.
3. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic
directional islands, frontage roads, sidewalks, bicycle ways and traffic controls within existing public streets.

4. Access ways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.

5. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the municipality designated as growth areas in the comprehensive plan; or in non-residential subdivisions when such access shall be provided if it will:
   a. Facilitate fire protection services as approved by the fire chief; or
   b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.

6. Street Names, Signs and Lighting.
   Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed as approved by the Board.

7. Clean-up.
   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 and restabilized.

11.6 Sewage Disposal.
A. Septic Systems.
   1. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge.
   2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
      a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to a disposal area on soils which meet the Disposal Rules.
      b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
      c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.
11.7 Solid Waste.
If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a nonmunicipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

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

B. Retention of Open Spaces and Natural or Historic Features.
1. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.
2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.
4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the municipality in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.
5. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
6. Reserved open space land may be dedicated to the municipality.

C. Protection of Significant Wildlife Habitat.
If any portion of a proposed subdivision lies within:
1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:
   a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;

3. Or other important habitat areas identified in the comprehensive plan.

The applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

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

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

All lots shall meet the minimum dimensional requirements of the zoning ordinance for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance.

11.10 Financial and Technical Capacity.

A. Financial Capacity.

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

B. Technical Ability.

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

11.11 Impact on Water Quality or Shoreline.

Cutting or removal of vegetation along waterbodies shall not increase water temperature, result in shoreline erosion or sedimentation of waterbodies.

11.12 Impact on Ground Water Quality or Quantity.

A. Ground Water Quality.

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

   a. A map showing the basic soils types.

   b. The depth to the water table at representative points throughout the subdivision.

   c. Drainage conditions throughout the subdivision.
d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

4. 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.

5. 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.

6. 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.

B. Ground Water Quantity.

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

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

11.13 Floodplain Management.

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

A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.

B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also
be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

11.14 Identification of Freshwater Wetlands.
Freshwater wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.

11.15 Storm Water Management.
A. Adequate provision shall be made for the management of the quantity and quality of all stormwater generated within the subdivision and any drained ground water. A stormwater management system shall be designed to meet the following standards:
   1 Quantity. Stormwater quantity shall be managed through a system of swales, culverts, underdrains, storm drains and best management practices designed to detain, retain or infiltrate stormwater, equivalent to those described in Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995 (or newer), in conformance with the policies of the Comprehensive Plan. The stormwater management system shall be designed to limit peak discharge rates to the pre-development levels for the 2 year, 10 year and 25 year frequency, 24 hour storm. The peak flow of the receiving waters may not be increased as the result of the stormwater runoff from the site for the 2 year, 10 year and 25 year frequency, 24 hour storm. Stormwater from a subdivision must flow through a vegetated buffer or stable channel before discharging to a waterbody.
   2 Quality. Stormwater runoff from both major and minor subdivisions must meet the phosphorus control standards in Article 11.17.A.1 to adequately provide for management of stormwater quality. A separate stormwater quality management system is not needed if the phosphorus control standards are met.

B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.

11.16 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services.
A. All open space common land, facilities and property shall be owned by:
   1. The owners of the lots or dwelling units by means of a lot owners' association;
   2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
   3. The municipality.

B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.
C. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
1. It shall not be used for future building lots; and
2. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.

D. The final plan application shall include the following:
1. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
2. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
3. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

E. In combination, the documents referenced in paragraph D above shall provide for the following.
1. The homeowners' association shall have the responsibility of maintaining the common property or facilities.
2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
4. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Board upon request of the lot owners' association or the developer.

11.17 Phosphorus Impacts on Great Ponds.

A. Phosphorus Export.
1. Since all subdivisions are within the watershed of a great pond, they shall limit post development phosphorus export to the standards contained in Table 11.17-1, dependent on the great pond in whose watershed the subdivision is located. This table shall be amended at 5 year intervals as required by amendments to the comprehensive plan, reflecting changes in expected development rates.

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Lake Protection Level</th>
<th>lbs/ppb</th>
<th>Allowable per Acre</th>
<th>Phosphorus Load (lbs/acre/yr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOOSE POND</td>
<td>Medium</td>
<td>10.18</td>
<td></td>
<td>0.039</td>
</tr>
<tr>
<td>SATURDAY POND</td>
<td>Medium</td>
<td>9.17</td>
<td></td>
<td>0.036</td>
</tr>
<tr>
<td>PLEASANT LAKE</td>
<td>Medium</td>
<td>55.89</td>
<td></td>
<td>0.031</td>
</tr>
<tr>
<td>THOMPSON LAKE</td>
<td>High</td>
<td>143.58</td>
<td></td>
<td>0.03</td>
</tr>
<tr>
<td>SEBAGO LAKE</td>
<td>High</td>
<td>357.69</td>
<td></td>
<td>0.054</td>
</tr>
<tr>
<td>LITTLE POND</td>
<td>Medium</td>
<td>.60</td>
<td></td>
<td>0.033</td>
</tr>
</tbody>
</table>
2. Simplified Phosphorus Review.

The simplified review may be used for a:

a. Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three lot subdivision or 600 feet for a four lot subdivision;

b. Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 850 feet for three lot subdivisions or 1,000 feet for four lot subdivisions; or

c. Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

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


This section shall apply to proposed subdivisions which do not qualify for the simplified review. Phosphorus export from a proposed development shall be calculated according to the procedures in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992 or newer. When a proposed subdivision creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures for both simplified and standard review procedures.

Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

a. Vegetative Buffer Strips.

Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the plan. Where a vegetative buffer strip is to be owned in common by property owners in the subdivision, documentation establishing the lot owners' association shall include the following standards.

i. Wooded Buffers.

Maintenance provisions for wooded buffers shall provide for either of the following two options.

(a) No Disturbance.

Maintenance and use provisions for wooded buffer strips which are located on hydrologic soil group D soils and within 250 feet of the great pond or a tributary, or which are located on slopes over 20% shall include the following.

[1] Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and
mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.

(2) All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.

[3] Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.

[4] No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.

[5] Buffers shall not be used for all-terrain vehicle or vehicular traffic.

(b) Limited Disturbance.

Maintenance and use provisions for other buffer strips may include the following:

[1] There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained.

[2] Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.

[3] Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.

[4] Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.

[5] Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.

[6] Buffers shall not be used for all-terrain vehicle or vehicular traffic.

ii. Non-wooded Buffers.
(a) Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.

(b) A buffer must maintain a dense, complete and vigorous cover of "non-lawn" vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.

(c) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.

(d) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

b. Infiltration Systems.
Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992 or newer. Requirements for maintenance shall be included in deed restrictions and as notes upon the plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, a lot owners' association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

c. Wet Ponds.
A lot owners' association shall be established to maintain wet ponds, unless the municipality or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992 or newer.

**ARTICLE 12 - DESIGN GUIDELINES**

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

12.1 Sufficient Water.
A. Well Construction.
1. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.

2. Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.

B. Fire Protection.

1. The Board may require additional storage capacity upon a recommendation from the fire chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.

2. Hydrants or other provisions for drafting water may be required to be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches.

3. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the municipality shall be provided to allow access. A suitable access way to the hydrant or other water source shall be constructed.

12.2 Traffic Conditions.

A. Access Control.

1. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

3. Subdivision Access Design for Subdivisions Entering onto Arterial Streets. When the access to a subdivision is a street, the street design and construction standards of Section 12.2.B below shall be met. Where there is a conflict between the standards in this section and the standards of Section 12.2.B, the stricter or more stringent shall apply.

a. General.

Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the Trip Generation Manual, 1991 edition, published by the Institute of Transportation Engineers.

1. Low Volume Access: An access with 50 vehicle trips per day or less.

2. Medium Volume Access: Any access with more than 50 vehicle trips per day but less than 200 peak hour vehicle trips per day.

3. High Volume Access: Peak hour volume of 200 vehicle trips or greater.

b. Sight Distances.

Accesses shall be located and designed in profile and grading to provide the required sight distance measured in each direction.
Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb-line or edge of shoulder, with the height of the eye 3½ feet, to the top of an object 4⅛ feet above the pavement. The required sight distances are listed by road width and for various posted speed limits.

1. Two Lane Roads.
A minimum sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

2. Four Lane Roads.
The sight distances provided below are based on passenger cars exiting from accesses onto four lane roads and are designed to enable exiting vehicles:
(a) Upon turning left or right to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than 10 miles per hour, and
(b) Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left.

<table>
<thead>
<tr>
<th>Operating Speed (mph)</th>
<th>Safe Sight Distance - Left (ft.)</th>
<th>Safe Sight Distance - Right (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>130</td>
<td>130</td>
</tr>
<tr>
<td>30</td>
<td>220</td>
<td>260</td>
</tr>
<tr>
<td>40</td>
<td>380</td>
<td>440</td>
</tr>
<tr>
<td>50</td>
<td>620</td>
<td>700</td>
</tr>
</tbody>
</table>

c. Vertical Alignment.
Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. The maximum grade over the entire length shall not exceed 10%.

d. Low Volume Accesses.
1. Skew Angle.
Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

2. Curb Radius.
The curb radius shall be between 10 feet and 15 feet, with a preferred radius of 15 feet.

3. Access Width.
The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

e. Medium Volume Accesses.
1. Skew Angle.
Medium Volume Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90° as site conditions permit, but in no case less than 60°.

2. Curb Radius.
Curb radii will vary depending if the access has one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

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

   On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

f. High Volume Accesses.
1. Skew Angle.
   High Volume Accesses shall intersect the road at an angle as nearly to 90° as site conditions permit, but in no case less than 60°.

2. Curb Radius.
   Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

3. Curb Cut Width.
   Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.

4. Entering and exiting accesses shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.

5. Width.
   Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

6. Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands.

g. Special Case Accesses.
   Special Case Accesses are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These accesses are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed access. These accesses are usually located along the approaches to major signalized intersections where a raised median may be provided to protect left turning vehicles and separate opposing traffic flows.
1. Perpendicular Driveways.
   (a) Curb Radii.
   Curb radii shall be between 30 feet and 50 feet, with a preferred radius of 50 feet.
   (b) Access Width.
   Access width shall be between 26 feet and 30 feet with a preferred width of 30 feet. On two-way accesses, a triangular channelization island shall be provided at the intersection with the street. On each side of the island the one-way drive shall be between 15 feet and 24 feet with a preferred width of 20 feet.
   (c) Curb-Cut Width.
   The total curb-cut width shall be between 86 feet and 130 feet with a preferred width of 130 feet.
   (d) Channelization Island.
   The channelization island on two-way accesses shall be raised and curbed. Corner radii shall be 2 feet.

2. Skewed Accesses.
   (a) Skew Angle.
   The skew angle shall be between 45° and 60°, with a preferred angle of 45°.
   (b) Curb Radii.
   Curb radii shall be between 30 feet and 50 feet on the obtuse side of the intersection, with a preferred radius of 50 feet. Curb radii shall be between 5 feet and 10 feet on the acute side of the intersection with a preferred radius of 5 feet.
   (c) Access Width.
   Access width shall be between 15 feet and 24 feet with a preferred width of 20 feet. Where entering and exiting access meet, the width shall be between 24 and 30 feet with a preferred width of 30 feet.
   (d) Curb-Cut Width.
   The curb-cut width for each access shall be between 35 feet and 75 feet with a preferred width of 42 feet.

h. Access Location and Spacing.
   1. Minimum Corner Clearance.
   Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed in Table 12.2-1, based upon access volume and intersection type. Where the minimum standard for a full access drive cannot be met, only a special case access shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.
Table 12.2-1. Minimum Standards for Corner Clearance (FEET)

<table>
<thead>
<tr>
<th>Access Type</th>
<th>Intersection Signalized</th>
<th>Intersection Unsignalized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Volume</td>
<td>150</td>
<td>50</td>
</tr>
<tr>
<td>Medium Volume</td>
<td>150</td>
<td>50</td>
</tr>
<tr>
<td>High Volume</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>Special Case</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>Right turn in only</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Right turn out only</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Right turn in or out</td>
<td>100</td>
<td>50</td>
</tr>
</tbody>
</table>

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

Table 12.2-2. Minimum Access Spacing

<table>
<thead>
<tr>
<th>Access Type</th>
<th>Minimum Spacing to Adjacent Access by Access Type (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. Dpl.</td>
</tr>
<tr>
<td>Low Volume</td>
<td>5</td>
</tr>
<tr>
<td>Medium Volume</td>
<td>10</td>
</tr>
<tr>
<td>High Volume (w/o RT)*</td>
<td>75</td>
</tr>
<tr>
<td>High Volume (w/ RT)**</td>
<td>75</td>
</tr>
<tr>
<td>Special Case</td>
<td>10</td>
</tr>
</tbody>
</table>

1. Dpl measured from point of tangency of access to projection of property line on roadway edge.
2. For two or more accesses serving a single parcel, or from a proposed access from an existing access.
3. Dsp measured from point of tangency of access to point of tangency of adjacent access.

i. Number of Accesses.
The maximum number of accesses on a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.
1. No low volume traffic generator shall have more than one two-way access onto a single roadway.

2. No medium or high volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.

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

B. Street Design and Construction Standards.
   1 General Requirements.
      a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these Regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
      b. Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
         1. Date, scale, and north point, indicating magnetic or true.
         2. Intersections of the proposed street with existing streets.
         3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
         4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
         5. Complete curve data shall be indicated for all horizontal and vertical curves.
         6. Turning radii at all intersections.
         7. Centerline gradients.
         8. Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
         9. Erosion and sedimentation control plan for construction phase and restabilization measures.
      c. Upon receipt of plans for a proposed public street the Board shall forward one copy to the municipal officers, the road commissioner, and the municipal engineer for review and comment. Plans for
streets which are not proposed to be accepted by the municipality shall be sent to the municipal engineer for review and comment.

d. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.

e. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan. "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet the municipal street design and construction standards."

2. Street Design Standards.

a. These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of Article 11.

b. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.

c. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these Regulations.

d. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these Regulations), or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance. When such widening or realignment is included in the municipality's capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

e. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

f. The design standards of Table 12.2-3 shall apply according to street classification.
Table 12.2-3  Street Design Guidelines

<table>
<thead>
<tr>
<th>Description</th>
<th>Arterial</th>
<th>Collector</th>
<th>Minor</th>
<th>Private ROW</th>
<th>Industrial/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Right-of-way Width</td>
<td>80'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>60'</td>
</tr>
<tr>
<td>Minimum Traveled Way Width</td>
<td>44'</td>
<td>24'</td>
<td>20'</td>
<td>18'</td>
<td>30'</td>
</tr>
<tr>
<td>Minimum Width of Shoulders (each side)</td>
<td>5'</td>
<td>3'</td>
<td>3'</td>
<td>3'</td>
<td>9'</td>
</tr>
<tr>
<td>Sidewalk Width</td>
<td>8'</td>
<td>5'</td>
<td>5'</td>
<td>N/A</td>
<td>9'</td>
</tr>
<tr>
<td>Minimum Grade</td>
<td>.5%</td>
<td>.5%</td>
<td>.5%</td>
<td>N/A</td>
<td>.5%</td>
</tr>
<tr>
<td>Maximum Grade*</td>
<td>5%</td>
<td>6%</td>
<td>8%</td>
<td>8%</td>
<td>5%</td>
</tr>
<tr>
<td>Minimum Centerline Radius without super elevation</td>
<td>500'</td>
<td>280'</td>
<td>280'</td>
<td>175'</td>
<td>400'</td>
</tr>
<tr>
<td>with super elevation</td>
<td>350'</td>
<td>175'</td>
<td>175'</td>
<td>110'</td>
<td>300'</td>
</tr>
<tr>
<td>Roadway Crown**</td>
<td>¼&quot;/ft</td>
<td>¼&quot;/ft</td>
<td>¼&quot;/ft</td>
<td>***</td>
<td>¼&quot;/ft</td>
</tr>
<tr>
<td>Minimum angle of street intersection**</td>
<td>90°</td>
<td>90°</td>
<td>75°</td>
<td>75°</td>
<td>90°</td>
</tr>
<tr>
<td>Maximum grade within 75 ft.</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td>N/A</td>
<td>3%</td>
</tr>
<tr>
<td>of intersection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>30''*****</td>
</tr>
<tr>
<td>Minimum curb radii at</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>intersections</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum row radii at Intersections</td>
<td>20'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>20'</td>
</tr>
</tbody>
</table>

* Maximum grade may be exceeded for a length of 100 feet or less.
** Roadway crown is per foot of lane width.
*** Gravel surfaces shall have a minimum crown of ¼ inch per foot of lane width.
**** Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.
*****Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

**g.** The centerline of the roadway shall be the centerline of the right-of-way.

**h.** Street Design
All roads constructed shall have either one entrance/exit with a looped interior road or two entrances/exits with a "U" shaped road within the interior. A cul-de-sac is not to be used.

**i.** Grades, Intersections, and Sight Distances.
1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

<table>
<thead>
<tr>
<th>Design Speed (mph)</th>
<th>20</th>
<th>25</th>
<th>30</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stopping Sight Distance (ft.)</td>
<td>125</td>
<td>150</td>
<td>200</td>
<td>250</td>
</tr>
</tbody>
</table>

Stopping sight distance shall be calculated with a height of eye at 3 ½ feet and the height of object at ½ foot.
3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb-line or edge of shoulder, with the height of the eye 3½ feet, to the top of an object 4½ feet above the pavement.

<table>
<thead>
<tr>
<th>Posted Speed Limit (mph)</th>
<th>25</th>
<th>30</th>
<th>35</th>
<th>40</th>
<th>45</th>
<th>50</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sight Distance (ft.)</td>
<td>250</td>
<td>300</td>
<td>350</td>
<td>400</td>
<td>450</td>
<td>500</td>
<td>550</td>
</tr>
</tbody>
</table>

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

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

j. Sidewalks.
Sidewalks shall be installed within all subdivisions within areas designated as growth areas in the comprehensive plan. Where sidewalks exist adjacent to a proposed subdivision outside of growth areas, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet these minimum requirements.

1. Location.
Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 ½ feet from the curb facing or edge of shoulder if the street is not curbed.

2. Bituminous Sidewalks.
(a) The "subbase" aggregate course shall be no less than twelve inches thick after compaction.
(b) The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

3. Portland Cement Concrete Sidewalks.
(a) The "subbase" aggregate shall be no less than twelve inches thick after compaction.
(b) The portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

k. Curbs shall be installed within all subdivisions within areas designated as growth areas in the comprehensive plan. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

l. Driveways- All new residential dwellings in a new major subdivision must have paved driveways.

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

<table>
<thead>
<tr>
<th>Street Materials</th>
<th>Arterial</th>
<th>Collector</th>
<th>Minor</th>
<th>Private Right of Way</th>
<th>Industrial/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate Subbase Course (Max. sized stone 6&quot;)</td>
<td>24&quot;</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>15&quot;</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Without base gravel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With base gravel</td>
<td>20&quot;</td>
<td>15&quot;</td>
<td>15&quot;</td>
<td>12&quot;</td>
<td>20&quot;</td>
</tr>
<tr>
<td>Crushed Aggregate Base Course (if necessary)</td>
<td>4&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>4&quot;</td>
</tr>
<tr>
<td>Hot Bituminous Pavement</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>4&quot;</td>
</tr>
<tr>
<td>Total Thickness</td>
<td>1 ¼&quot;</td>
<td>1 ¼&quot;</td>
<td>1 ¼&quot;</td>
<td>1 ¼&quot;</td>
<td>1 ¼&quot;</td>
</tr>
<tr>
<td>Surface Course</td>
<td>1 ¾&quot;</td>
<td>1 ¾&quot;</td>
<td>1 ¾&quot;</td>
<td>N/A</td>
<td>2 ¾&quot;</td>
</tr>
<tr>
<td>Base Course</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Surface gravel</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

b. Preparation.

1. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.

2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

3. All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.

4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

c. Bases and Pavement.

a. Bases /Subbase.

The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 12.2-5. Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.
Table 12.2-5  
**Aggregate Subbase Grading Requirements**

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by Weight Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>¼ inch</td>
<td>25-70%</td>
</tr>
<tr>
<td>NO. 40</td>
<td>0-30%</td>
</tr>
<tr>
<td>NO. 200</td>
<td>0-7%</td>
</tr>
</tbody>
</table>

If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 12.2-6.

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

Table 12.2-6  
**Base Course Grading Requirements**

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by Weight Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>¼ inch</td>
<td>45-70%</td>
</tr>
<tr>
<td>⅛ inch</td>
<td>30-55%</td>
</tr>
<tr>
<td>NO. 40</td>
<td>0-20%</td>
</tr>
<tr>
<td>NO. 200</td>
<td>0-5%</td>
</tr>
</tbody>
</table>

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

3. Pavements.
   (a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

   (b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than ⅛ inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.
12.3 Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.
1. Unless located in areas designated as a growth area in the comprehensive plan, a subdivision in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.
2. Unless located in areas designated as a growth area in the comprehensive plan, building location shall be restricted from open fields, and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of building when viewed from existing public streets.
3. When a proposed subdivision contains a ridge line identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.
4. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty feet apart.

B. Retention of Open Spaces and Natural or Historic Features.
1. The subdivision shall reserve between 5% and 10% of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the needs identified in the comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision and the policies of the plan for meeting those needs; the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development.
2. Subdivisions with an average density of more than three dwelling units per acre shall provide no less than fifty percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet.
3. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
4. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.
C. Protection of Significant Wildlife Habitat and Important Habitat Areas.
The following guidelines are designed to protect the significant wildlife resources
identified in the municipality. The Board recognizes that wildlife management must take
into account many site specific variables. Applicants proposing to subdivide land within
identified wildlife resources must consult with the Maine Department of Inland Fisheries
and Wildlife or a qualified wildlife biologist and provide their written comments to the
Board. The guidelines of this section shall apply to only those subdivisions which include
significant wildlife habitat or resources identified in Section 11.8.C.

1. Protection of Habitat of Endangered or Threatened Species.
   a. Habitat or species appearing on the official state or federal lists of
      endangered or threatened species shall be placed in open space.
   b. Deed restrictions and notes on the plan shall reflect standards from the
      Department of Inland Fisheries and Wildlife for removal of vegetation
      within 250 feet of the habitat for species appearing on the list of
      endangered or threatened species unless the Department of Inland Fisheries
      and Wildlife has approved cutting of vegetation in writing.

2. Protection of Waterfowl and Wading Bird Habitat
   a. There shall be no cutting of vegetation within the strip of land extending 75
      feet inland from the normal high-water mark of the following habitat areas:
      1. High and moderate value waterfowl and wading bird habitats,
         including nesting and feeding areas;
      2. Other important habitat areas identified in the comprehensive plan.
   b. This restriction shall appear as a note on the plan and as a deed restriction
      to the affected lots.

3. Protection of Deer Wintering Areas.
The report prepared by a wildlife biologist, selected or approved by the Board,
shall include a management plan for deer wintering areas.

4. Protection of Important Shoreland Areas.
   a. Except as in areas described in Section 12.3.C.2, within all areas subject to
      the state mandated 250 foot Shoreland zone:
      1. Tree removal shall be limited to no more than 40% of the volume of
         trees 4 inches or more in diameter measured at 4 1/2 feet above the
         ground level on any lot in any ten year period.
      2. Cleared openings for development, including but not limited to,
         principal and accessory structures, driveways and sewage disposal
         areas, shall not exceed in the aggregate, 25% of the lot area or
         10,000 square feet, whichever is greater, including land
         previously developed.
   b. These restrictions shall appear as notes on the plan and as deed restrictions
      to the affected lots.

5. If the proposed subdivision includes other important wildlife habitat as identified
   by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the
   restrictions on activities in and around these areas shall be reviewed by the
   Department or a qualified wildlife biologist and their comments presented in
   writing to the Board.

12.4 Storm Water Management Design Guidelines.
A. Design of best management practices shall be substantially equivalent to those described
   in the Storm Water Management for Maine: Best Management Practices, published by the
Maine Department of Environmental Protection, 1995 (or newer) and Title 38, MRSA, Section 420.

B. 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.

C. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

D. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.

E. Storm Drainage Construction Standards.
   
   1. Materials.
      
      a. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.
      
      b. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC) pipe, and corrugated aluminum alloy pipe.
      
      c. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.

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

      Table 12.4-1. Culvert Size and Thicknesses Material

      | Inside Diameter | Corrugated Aluminum Alloy | Polymer Coated CMP |
      |-----------------|---------------------------|-------------------|
      | 15" to 24"      | 14 ga.                    | 16 ga.            |
      | 30" to 36"      | 12 ga.                    | 14 ga.            |
      | 42" to 54"      | 10 ga.                    | 12 ga.            |
      | 60" to 72"      | 8 ga.                     | 10 ga.            |

   3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.
4. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.

F. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

12.5 Impact on Water Quality or Shoreline.
Within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. When the Shoreland area is also being used as a phosphorus buffer trip, the more stringent buffer standards apply to cutting, trimming and path-making. The deeds to any lots which include any such land shall contain the following restrictions:

A. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the foot path shall be limited to six feet.

B. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten year period.

C. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.

D. Pruning of tree branches, on the bottom third of the tree is permitted.

12.6 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 constructed in accordance with design standards in Section 12.2.B.2.j. Maintenance obligations of the easement shall be included in the written description of the easement.

12.7 Lots.

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

B. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of these Regulations and conditions placed on the original approval.

C. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
D. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

E. Lots shall be numbered in consecutive order. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers.

12.8 Utilities.
Utilities serving subdivisions in areas designated by the comprehensive plan as growth areas shall be installed underground. Utilities serving lots with a street frontage of 125 feet or less shall be installed underground. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordable housing in the comprehensive plan.

12.9 Monuments.
A. Stone or pre-cast concrete 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.
B. Stone or pre-cast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.
C. Stone or concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill hole \( \frac{1}{2} \) inch deep shall locate the point or points described above.
D. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

12.10 Cluster Developments.
A. Purpose.
The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of the zoning ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances.

B. Application Procedure.
The Planning Board may allow lots within subdivisions to be reduced in area and width below the minimum normally required by this ordinance in return for open space where the Board determines that the benefits of the cluster approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features without increasing the net density of the development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and
lot width requirements of this ordinance, and if not serviced by public sewer have
an area suitable for subsurface waste water disposal according to the Maine
Subsurface Wastewater Disposal Rules. The number of buildable lots or dwelling
units in the cluster development shall in no case exceed the number of lots or
dwelling units in the standard subdivision.

Estimated costs of infrastructure development (roads, utilities, etc.) shall
accompany the plan. The written statement shall describe the natural features
which will be preserved or enhanced by the cluster approach. Natural features
include, but are not limited to moderate-to-high value wildlife and waterfowl
habitats, important agricultural soils, moderate-to-high yield aquifers and
important natural or historic sites identified by the comprehensive plan as worthy
of preservation. The statement shall also compare the impacts upon the
municipality from each plan. Examples of impacts are municipal cost for roads,
school bussing, solid waste removal, utility efficiencies, recreational
opportunities, protection of flood water storage areas, environmental impacts on
sensitive lands caused by construction activities, underground utilities,
reclamation of land and provision of land for conservation use.

Within ten days of receiving the application, the Board shall invite comments on
the application from the conservation commission, the recreation commission,
other appropriate town agencies, and abutters. Within forty-five days of receiving
the application, the Board shall determine whether to allow the subdivision to be
developed in accordance with the cluster standards of this section.

C. Basic Requirements for Cluster Developments.

1. Cluster developments shall meet all requirements of these Regulations.

2. Each building shall be an element of an overall plan for site development.
   Only developments having a total site plan for structures will be
   considered. The application shall illustrate the placement of buildings and
   the treatment of spaces, paths, roads, service and parking and in so doing
   shall take into consideration all requirements of this section and of other
   relevant sections of these Regulations.

3. The net residential acreage shall be calculated by taking the total area of the
   lot and subtracting, in order, the following:

   a. 15% of the area of the lot to account for roads and parking.

   b. Portions of the lot which, because of existing land uses or lack of
      access, are isolated and unavailable for building purposes or for use
      in common with the remainder of the lot, as determined by the
      Board.

   c. Portions of the lot shown to be in a floodway zone as designated in
      the Flood Boundary and Floodway Map prepared by the Federal
      Insurance Administration.

   d. Portions of the lot which are unsuitable for development in their
      natural state due to topographical, drainage or subsoil conditions
      such as, but not limited to:
         1. Slopes greater than 20%.
         2. Organic soils.
         3. Wetland soils.
         4. 50% of the poorly drained soils.

   e. Portions of the lot subject to rights of way.

   f. Portions of the lot located in the resource protection zone.

   g. Portions of the lot covered by surface waters.
h. Portions of the lot utilized for stormwater management facilities.

4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the zoning ordinance. No building shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.

5. Unless a community sewage collection and treatment system is provided, no lot shall be smaller in area than one (1) acre.

6. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. No less than 30% of the reserved open space shall be usable open space.

7. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.

8. The distance between buildings shall not be less than 20 feet.

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

10. Shore frontage shall not be reduced below the minimum normally required by the zoning ordinance.

11. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

12.11 Phosphorus Export.

A. When a proposed subdivision is within the direct watershed of a great pond and qualifies for the simplified review procedure, buffer strips shall be provided in accordance with the following table. Buffer strips shall be provided on the downhill side of all lots along all tributaries to great ponds and along the great pond. (See also 11.17.A.4.a.)

The minimum required width of buffer strips are designated in Table 12.11-1 and depend on the watershed in which the proposed subdivision is located, the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

Table 12.11-1 Buffer Strip Widths in Watershed of Hypothetical Pond

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>H.S.G.</th>
<th>to 12.500 sq. ft.</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;1 Acre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>75</td>
<td>85</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>130</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>1&lt;2 Acre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>25</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>25</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>55</td>
<td>190</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>200</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>2&lt;3 Acre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>25</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>25</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>25</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>25</td>
<td>200</td>
<td></td>
</tr>
</tbody>
</table>
All lots 3 acres and larger shall provide a minimum 25 foot buffer.

H.S.G. is the Hydrologic Soil Group

B. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified reviewed, the phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992 or newer.

**ARTICLE 13 - PERFORMANCE GUARANTEES**

13.1 Types of Guarantees.
With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees 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. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;

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

C. An irrevocable letter of credit (see Appendix B for a sample) from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or town manager; 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 the performance guarantee shall be determined by the Board with the advice of the municipal engineer, road commissioner, municipal officers, and/or municipal attorney.

13.2 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 applicant will be in default and the municipality shall have access to the funds to finish construction.

13.3 Escrow Account.
A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

13.4 Performance Bond.
A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.
13.5 **Letter of Credit.**
An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

13.6 **Conditional Agreement.**
The Board at its discretion may provide for the applicant to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the final plan on the condition that no more than four lots may be sold or built upon until either:

A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these Ordinances and the regulations of the appropriate utilities; or

B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the final plan that is recorded at the Oxford County Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 13.8.

13.7 **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.

13.8 **Release of Guarantee.**
Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

13.9 **Default.**
If upon inspection, the municipal engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the code enforcement officer, the municipal officers, the Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

13.10 **Improvements Guaranteed.**
Performance guarantees shall be tendered for all improvements required to meet the standards of these Ordinances and for the construction of the streets, stormwater management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.
ARTICLE 14 - WAIVERS

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

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

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

14.4 Waivers to be shown on final plan.
When the Board grants a waiver to any of the improvements required by these Regulations, the final plan, to be recorded at the Oxford County Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 15 - APPEALS

15.1 Appeals to Superior Court.
An aggrieved party may appeal any decision of the Board under these Regulations to the Oxford County Superior Court, within thirty days of the date the Board issues a written order of its decision.
WIRELESS TELECOMMUNICATIONS
FACILITIES ORDINANCE

Town of Otisfield Maine

-Otisfield Wireless Telecommunications Facility Ordinance-

June 27, 2015
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-Otisfield Wireless Telecommunications Facility Ordinance-

June 27, 2015
Section 1. Title, Effective Date, Amendments and Repeal of Existing Wireless Telecommunications Facilities Ordinance

1.1. Title

This Ordinance shall be known and cited as the "Wireless Telecommunications Facilities Ordinance" of Otisfield, Maine, (hereinafter referred to as the "Ordinance").

1.2. Effective Date and Amendment Dates

A. This Ordinance became effective on:

B. This Ordinance was amended on:

1.3. Amendments

This Ordinance may be amended by a majority vote at the Annual Town Meeting. Amendments may be initiated by majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

1.4 Repeal of Existing Wireless Telecommunications Facility Siting Ordinance

Adoption of this Ordinance shall repeal any and all previous Wireless Telecommunications Facility siting Ordinances. This shall not prevent the enforcement of repealed ordinances with respect to the time periods in which they were in effect.
Section 2. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 et seq.

Section 3. Purpose

The purpose of this Ordinance is to create a complete and comprehensive stand-alone document that will not require reference to or review under other plans and ordinances and to provide a process and an exclusive set of standards for the construction of Wireless Telecommunications Facilities in order to:

A. Implement an ordinance concerning the provision of wireless telecommunications services and the siting of their facilities.

B. Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate Wireless Telecommunications Facilities.

C. Allow competition in wireless telecommunications service.

D. Encourage the provision of advanced wireless telecommunications services to the largest number of businesses, institutions and residents of Otisfield.

E. Ensure that Otisfield can continue to protect fairly and responsibly public health, safety and welfare.

F. Encourage the co-location of Wireless Telecommunications Facilities, thus helping to minimize adverse visual impacts on the community.

G. Enable Otisfield to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

H. Further the goals and policies of the Comprehensive Plan, while promoting orderly development of the Town with minimal impacts on existing uses.

I. Protect the scenic and visual character of the community.

J. Strive to minimize any potential adverse effect of a Wireless Telecommunication Facilities on property values.

-Otisfield Wireless Telecommunications Facility Ordinance-

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Section 4. Applicability

This Ordinance applies exclusively to all construction and expansion of Wireless Telecommunications Facilities, except as provided in section 4.1.

4.1. Exemptions

The following are exempt from the provisions of this Ordinance:


B. Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

C. Parabolic antenna. Parabolic antennas less than seven (7) feet in diameter that are an accessory use of the property.

D. Maintenance, repair or reconstruction. Maintenance, repair or reconstruction of a Wireless Telecommunications Facility and related equipment, provided that there is no change in the height or any other dimension of the facility and/or project area.

E. Temporary Wireless Telecommunications Facility. Temporary Wireless Telecommunications Facility in operation for a maximum period of one hundred eighty (180) days.

F. Antennas as accessory uses. An antenna that is an accessory use to a residential dwelling unit.

Section 5. Review and Approval Authority

5.1. Approval Required

No person shall construct or expand a Wireless Telecommunication Facility without approval as follows:

A. Expansion of an Existing Facility and Co-location. Approval by the Code Enforcement Officer (CEO) is required for:
1. Any expansion of an existing Wireless Telecommunications Facility that increases the height of the facility by no more than twenty (20) feet above the originally approved height. In no case shall the CEO approve an increase in the height of the facility that would exceed 180 feet. This provision shall not be waived.

2. Accessory use of an existing Wireless Telecommunications Facility, or

3. Co-location on an existing Wireless Telecommunications Facility.

B. New Construction. Approval of the Planning Board is required for construction of a new Wireless Telecommunications Facility, and for any expansion of an existing Wireless Telecommunications Facility that increases the height of the facility by more than 20 feet above the originally approved height and/or increases the size of the project area. In no case shall the Planning Board approve an increase in the height of the facility that would exceed 180 feet. This provision shall not be waived.

5.2. Approval Authority

In accordance with Section 5.1 above, the CEO or Planning Board, as appropriate, shall review applications for Wireless Telecommunications Facilities and make written findings on whether the proposed facility complies with this Ordinance.

Section 6. Approval Process

6.1. Pre-Application Conference

All persons seeking approval of the CEO or the Planning Board under this Ordinance shall meet with the CEO no less than thirty (30) days before filing an application. At this meeting the CEO shall explain to the applicant the Ordinance provisions as well as application forms and submissions that will be required under this Ordinance.

6.2. Application

All persons seeking approval of the CEO or of the Planning Board under this Ordinance shall submit an application as provided below. In all cases, the burden of proof shall be on the applicant to demonstrate to the CEO or the Planning Board that the required standard(s) have been met. The Planning Board shall have the authority to engage a qualified independent third party or parties deemed necessary by the Planning Board to review the application. The cost of the independent review shall be borne by the applicant.

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The CEO shall be responsible for ensuring that notice of receipt of a written application has been published in a newspaper of general circulation in the community. Such notice shall be published within 10 days from the receipt of the written application.

A. Application for CEO Approval. Applications for permit approval by the CEO must include the following materials and information:

1. Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property owner and the applicant.

2. A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

3. Location map of suitable scale to locate the facility in Otisfield and elevation drawings of the proposed facility and any other proposed structures showing color and identifying structural materials.

4. For proposed expansion of a facility, a signed statement that commits the owner of the facility and his or her successors in interest to:
   a. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant in exchange for a reasonable fee not in excess of the actual cost of preparing a response.
   b. Negotiate in good faith for shared use by third parties including the Town of Otisfield for emergency service communications.
   c. Allow shared use if an applicant agrees in writing to pay reasonable charges for co-location.
   d. Require no more than a reasonable charge for shared use based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

B. Application for Planning Board Approval. Nine copies of an application for approval by the Planning Board must be submitted to the CEO. The application must include the following information:

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1. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.

2. A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations as well as written approval by all applicable State and Federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required.

3. A USGS 7.5 minute topographic map showing the location of all structures and Wireless Telecommunications Facilities above 150 feet in height above ground level, except antennas located on rooftops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty (30) days of the date the application is filed) from the FCC Tower Registration Database.

4. A site plan:
   a. Prepared by a State of Maine licensed professional engineer indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes.
   b. Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required.
   c. A boundary survey for the project area performed by a State of Maine licensed professional land surveyor.
   d. Details of all existing or proposed accessory structures including buildings, parking areas, utilities, gates, access roads, etc.
   e. Details of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.
   f. A soil erosion and sediment control plan for construction and for permanent control.

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g. Stormwater control plan designed to accommodate a 25-year storm.

h. A phosphorus impact analysis and control plan

i. Maine Department of Transportation Driveway/Entrance Permit if access to the facility will be from Route 121 or the Bolster Mills Road.

j. Road Opening Permit issued by the Otisfield Road Commissioner.

5. A scenic assessment consisting of the following:

a. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

b. A landscaping plan indicating the proposed placement of the facility on the site, location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the tower structure and equipment shelters and the proposed lighting method.

c. If requested by the Planning Board a balloon test meeting standard industry specification, on a date and time recommended by the Planning Board.

d. Photo simulations of the proposed facility taken from perspectives determined by the Planning Board or their designee during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening. The applicant may be asked and should be prepared to provide photo simulations from at least one company showing how the proposed tower would appear if camouflaged. If the Planning Board determines that additional vantage points should be considered, the applicant shall complete the visual analyses for these locations for the Board’s consideration.

e. A narrative discussing:

   i. The extent to which the proposed facility would be visible from or within a designated scenic resource.

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ii. The tree line elevation of vegetation within 100 feet of the facility.

iii. The distance to the proposed facility from the designated scenic resources noted viewpoints.

6. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

7. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility. The evidence for which may consist of any one or more of the following:

a. Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements.

b. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

c. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

Specifically:

i. Planned necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

ii. The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

iii. Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.
d. For facilities existing prior to the effective date of the application, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable.

e. Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and has been denied access.

8. Identification of sites, buildings, structures or objects significant in American history, architecture, archaeology, engineering or culture that are listed or are eligible for listing on the National Register of Historic Places (see 54 U.S.C. 300308; 36 CFR 60 and 800).

9. A signed statement stating that the owner of the Wireless Telecommunications Facility and his or her successors and assigns agree to:

   a. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.

   b. Negotiate in good faith for shared use of the Wireless Telecommunications Facility by third parties including the Town of Otisfield for emergency service communications.

   c. Allow shared use of the Wireless Telecommunications Facility if an applicant agrees in writing to pay reasonable charges for co-location.

   d. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate over the useful life span of the facility.

10. A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.

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11. Evidence that a notice of the application has been published in a local newspaper of general circulation in the community

6.3. Submission Waiver

The CEO or Planning Board, as appropriate, may waive any of the submission requirements based on a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the CEO or Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

6.4. Fees

A. CEO Application Fee.

An application for CEO approval shall include payment of an application fee as established by the Board of Selectmen. The application shall not be considered complete until this fee is paid. The applicant is entitled to a refund of the application fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Otisfield to review the application.

B. Planning Board Application Fee.

An application for Planning Board approval shall include payment of an application fee as established by the Board of Selectmen. The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Otisfield to review the application.

C. Planning Board Review Fee.

An applicant for approval by the Planning Board shall pay all reasonable and customary fees incurred by the municipality that are necessary to review the application including the cost of any independent review(s). The review fee shall be paid in full prior to issuing a building permit.

That portion of the review fee not used shall be returned to the applicant within sixty (60) days of the Planning Board’s decision.
6.5. Notice of Complete Application

Upon receipt of an application, the CEO or the Planning Board, as appropriate, shall provide the applicant with a dated receipt. Within forty-five (45) days of receipt of an application, the CEO or Planning Board, as appropriate, shall review the application and determine if the application meets the submission requirements. The CEO or Planning Board, as appropriate, shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application.

If the application is complete, the CEO or the Planning Board, as appropriate, shall notify the applicant in writing of this determination. If the application is incomplete, the CEO shall ensure that the applicant is notified in writing, specifying the additional materials or information required to complete the application.

If the application is deemed to be complete, and requires Planning Board review, the Planning Board shall ensure that all abutters within one thousand (1000) feet of the proposed tower compound area, as shown on the Assessor's records, shall be notified by first-class mail, that an application has been accepted as complete. This notice shall contain a brief description of the proposed activity and the name of the applicant, give the location of a copy of the application available for inspection, and provide the date, time, and place of the Planning Board meeting at which the application will be considered. Failure on the part of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

6.6. Public Hearing

A. For applications for Planning Board approval under Section 5.1B, a public hearing shall be held within forty-five (45) days of the date of finding the application complete.

B. The Planning Board shall publish the time, date and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. All abutters within one thousand (1,000) feet of the proposed compound area, as shown on the Assessor's records, shall be notified, by first-class mail, at least seven (7) days prior to the hearing by the Planning Board. Public hearings by the Board shall be conducted according to the following procedures.

1. The chairman shall call public hearings as required. A quorum of the Planning Board is necessary to conduct an official public hearing. The chairman shall preside at all public hearings.
2. The secretary shall maintain a permanent record of all public hearings. All records to be maintained or prepared by the secretary are public records. They shall be filed in the municipal clerk's office and may be inspected at reasonable times.

3. The Planning Board may provide, by regulation which shall be recorded by the secretary, for any matter relating to the conduct of any public hearing, provided that the chair may waive any regulation upon good cause shown.

4. The Planning Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party has the right to present the party's case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination that is required for a full and true disclosure of the facts.

5. The transcript or tape recording of testimony, if such a transcript or tape recording has been prepared by the Planning Board, and the exhibits, together with all papers and requests filed in the proceeding, constitute the public record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions.

6.7. Approval

A. CEO Approval.

Within thirty (30) days of receiving a complete application for approval under section 5.1A, the CEO shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. The CEO shall approve the application if the CEO finds that the application complies with the provisions in Section 7.1 of this Ordinance. The time period may be extended upon agreement between the applicant and the CEO.

The CEO shall notify all abutters within one thousand (1,000) feet of the proposed tower compound area of the decision to issue a permit under this section.

B. Planning Board Approval.

Within ninety (90) days of receiving a complete application for approval under section 5.1B, the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. However, if the Planning Board has a waiting list of applications that would prevent the Planning Board from making a decision within the required ninety (90) day time period, then a decision on the application shall be issued within sixty (60) days of the completed Planning Board review. This time period may be extended upon agreement between the applicant and the Planning Board.

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Section 7. Standards of Review

To obtain approval from the CEO or the Planning Board, an application must comply with the standards in this section.

7.1. CEO Approval Standards

An application for approval by the CEO under Section 5.1.A must meet the following standards:

A. The proposed facility is an expansion, accessory use, or co-location to a structure legally existing at the time the application is submitted.

B. The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.

C. The proposed facility increases the height of the legally existing structure by no more than twenty (20) feet.

D. The proposed facility will be constructed with materials and colors that match or blend with the surrounding natural or built environment to the maximum extent practicable.

7.2. Planning Board Approval Standards

An application for approval by the Planning Board under Section 5.1.B must meet the following standards:

A. Siting on Municipal Property. If an applicant proposes to locate a new Wireless Telecommunications Facility, or expand an existing facility on municipal property, the applicant must show the following:

1. The proposed location complies with applicable municipal policies and ordinances that relate to the use of municipal property.

2. The proposed facility will not interfere with the intended purpose of the property.

3. The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.
B. Design for Co-location. A new Wireless Telecommunications Facility and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the height limitation effectively prevents future co-location. Proposals for the siting of Wireless Telecommunications Facilities or antennae on existing towers or Alternative Tower Structures (ATS) or at locations that presently have Wireless Telecommunications Facilities are favored over proposals for construction of new towers on sites where towers do not presently exist. The Planning Board review process guides Wireless Telecommunications Facility applicants towards co-location and requires the applicant to prove, among other factors, that their proposed antennas or facilities cannot be accommodated by existing tower structures. The Planning Board shall have the authority to determine whether or not co-location is a reasonable, practical and feasible option.

C. Height. A new Wireless Telecommunications Facility must be no more than one hundred eighty (180) feet in height. The applicant shall be prepared to justify the height being requested.

D. Setbacks. A new or expanded Wireless Telecommunications Facility shall be set back a minimum of one hundred twenty-five percent (125%) of its height from the outer perimeter of the tower compound area. This area shall be considered the fall zone. The setback may be satisfied by including the areas outside the outer perimeter of the tower compound area.

E. Landscaping. A new Wireless Telecommunications Facility and related equipment must be screened with plants from view by abutting properties to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable. All Wireless Telecommunication Facilities shall maintain the required setbacks as undisturbed vegetated buffers except for the access road. The Planning Board may require additional plantings in the buffer area(s) to enhance the quality and effectiveness of the buffer area to serve as a visual screen. The size and quantity of plantings shall be subject to Planning Board approval.

F. Fencing. A new Wireless Telecommunications Facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers. Access to tower(s) shall be through a lockable gate. Roof mounted towers are exempt.

G. Lighting. A new Wireless Telecommunications Facility must be illuminated only as necessary to comply with FAA or other applicable State and Federal requirements. However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the tower compound area to the maximum extent practicable.
H. Color and Materials. A new Wireless Telecommunications Facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones and subdued hues shall be used.

I. Structural Standards. A new wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures".

J. Visual Impact. The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the Town of Otisfield's Comprehensive Plan's Significant Scenic Vistas Table, or by a State or Federal agency. If the facility is to be sited above the ridge line, it must be designed to minimize its profile by blending with the surrounding existing natural and man-made environment to the maximum extent practical using available materials, natural buffers, and the Tower location site. In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:

1. The extent to which the proposed wireless telecommunications facility is visible above tree line, from the viewpoint(s) of the impacted designated scenic resource.

2. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.

3. The extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s).

4. The amount of vegetative screening or the impact of any artificial screening.

5. The distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource.

6. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

7. If more than one tower is proposed on a single lot or parcel, they shall be clustered as closely together as technically possible.
K. Noise. During construction, repair, or replacement the operation of a back-up power generator is only allowed between seven (7) am and nine (9) pm. There is no restriction of operation of an auxiliary generator once the Wireless Telecommunications Facility is operational.

L. Historic & Archaeological Properties. The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which is currently listed on or eligible for listing on the National Register of Historic Places.

M. Surface Water Drainage. Adequate provision shall be made for disposal of all storm water generated within the project area including access route through a management system of ditches, swales, culverts, underdrains, 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.

2. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.

3. 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.

4. Downstream drainage requirements shall be studied to determine the effect of the proposed project. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the project. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

N. Conservation, Erosion and Sediment Control. Soil erosion and sedimentation of watercourses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Wireless Telecommunications Facility and approval.

1. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.

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2. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.

3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.

4. Disturbed soils shall be stabilized as quickly as practical.

5. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.

6. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.

7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.

8. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.

9. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.


O. Phosphorous Export. A Wireless Telecommunications Facility proposed within the direct watershed of a lake or pond listed in Appendix A shall be designed to limit phosphorus runoff to the levels established in Appendix A.

1. Phosphorus export shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical

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Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Planning Board.

2. Phosphorus 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 shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

7.3. Standard Conditions of Approval

The following standard conditions of approval shall be a part of any approval issued by the CEO or Planning Board. Where necessary to ensure that an approved project meets the criteria of this Ordinance, the CEO and Planning Board can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:

A. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:

1. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.

2. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties.

3. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location.

4. Require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The
amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

B. Upon request by the Town of Otisfield, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.

C. Guarantees. All guarantees shall be on a continuous basis, with any provision for cancellation to include that a minimum thirty (30) day notice of cancellation or non-renewal be sent by certified mail to the Town of Otisfield. The guarantee shall be for a minimum term of five years. It must contain a mechanism, satisfactory to the Planning Board, for review of the cost of removal of the structure every five (5) years, and a mechanism for increasing the amount of the guarantee should the revised cost estimate so necessitate;

1. Performance Guarantee. Any application that required Planning Board review and approval may be required to post a performance guarantee for the development, construction, or modification to the Wireless Telecommunications Facility. The Planning Board shall determine whether or not a performance guarantee is required based on the Board's assessment of the potential of the project to cause the Town to incur expenses, such as to stabilize the site if the project is not completed.

The amount of the guarantee shall be sufficient to return the land to a condition as near to the original pre-construction condition as practical as determined by the Planning Board. The amount of the guarantee shall be determined by the Planning Board based on estimates from independent contractors. The type of guarantee shall be approved by the Board of Selectmen. The guarantee shall be released only as authorized by the Planning Board.


a. The applicant for a new tower shall post a guarantee in the form of a continuous corporate surety bond in favor of the Town equal to 125% of the estimated demolition and removal cost of the tower and associated facilities if abandoned at any time by the applicant. Estimates of demolition and removal costs shall be provided by an independent contractor and shall not be based on services being provided by Town employees and Town equipment.

b. The amount of the guarantee shall be approved by the Planning Board and shall be sufficient to return the land to a condition as near to the original

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pre-construction condition as practical as determined by the Planning Board.

c. Unless the landowner requests otherwise, all above ground structures, equipment, foundations, guy anchors, utilities and access roads or driveways specifically constructed to service the tower, structures, equipment or utilities shall be removed, and the land returned to a condition as near to the original pre-construction condition as practical.

d. The type of the guarantee shall be approved by the Board of Selectmen. The Board of Selectmen shall have the authority to require either a certified check payable to the Town of Otisfield, a savings account passbook issued in the name of the Town or a faithful bond running to the Town of Otisfield and issued by a surety company authorized to do business in Maine and acceptable to the Board of Selectmen.

3. Proof of financial capacity to build, maintain, and remove the proposed tower must be submitted.

D. Inspections;

1. During construction, a schedule acceptable to the Planning Board for inspections during construction will be established by the CEO.

   
a. Inspections of towers by either a Maine Licensed Professional Engineer or a qualified third party mutually agreed upon by the applicant and the CEO shall be performed to assess structural integrity. Such inspections shall be performed as follows:
   
i. Monopole towers - at least once every seven (7) years following completion of construction. The inspection shall take place between the sixth and seventh year of the repeat sequence.
   
ii. Self-supporting towers - at least once every five (5) years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.
   
iii. Guyed towers - at least once every three (3) years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.

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b. The inspection report shall be submitted to the CEO within thirty (30) days of its receipt by the tower owner. Based upon the results of the inspection, the CEO may require repair or demolition of the tower.

c. The cost of such inspections, reports, repairs or demolition required under this Section of the Ordinance shall be borne entirely by the tower owner. Required repairs shall be completed within ninety (90) days or less as required by the CEO safety reasons.

d. Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

E. Removal and Storage of Materials

1. All used structural and electronic components shall be removed and properly disposed of once they have exceeded their useful life and are no longer in use. This standard includes, but is not limited to, removing used guy wires, used fence parts, and structural components for towers.

2. Outside storage of materials shall not be permitted except as specifically approved by the Planning Board.

7.4 Waiver of Planning Board Approval Standards and Standard Conditions of Approval

A. If the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular application, it may waive any provisions of Section 7.2 except for 7.2.C, Height, 7.2.D, Setbacks, and 7.3, Conditions of Approval, provided that such waiver will not have the effect of nullifying the purpose of this Ordinance.

B. In granting waivers to any of the provisions of Section 7.2 the Planning Board shall require such conditions as that will assure the objectives of this Ordinance are met.

Section 8. Issuance of Building Permit

The CEO shall not issue a permit for the construction of a new Wireless Telecommunication Facility or any change to an existing Wireless Telecommunication Facility that requires CEO or Planning Board review until the CEO or Planning Board has approved the facility and all applicable conditions have been met.

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Section 9. Amendment to an Approved Application

Any changes to an approved application must be approved by the CEO or the Planning Board, in accordance with Section 5.

Section 10. Permit Expiration and Abandonment

A building permit shall become void unless construction operations are commenced within six (6) months from the date of approval unless such time is extended by the CEO. If the structure is not completed within twelve (12) months, a new permit should be issued at no fee.

A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the Town of Otisfield may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

If a surety has been given to the Town for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

Section 11. Appeals

Any person aggrieved by a decision of the CEO or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal.

Section 12. Administration and Enforcement

After completion of the project to the satisfaction of the CEO, the CEO will issue a Certificate of Compliance.

The CEO shall enforce this ordinance. If the CEO finds that any provision of this Ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it.

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The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance. A copy of the notification shall be sent to the Otisfield Planning Board.

The Board of Selectmen, or its authorized agent, is authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow a violation of this Ordinance to continue unless: there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by the CEO or the Planning Board upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of the violation will result in a threat to public health and safety or substantial environmental damage.

Section 13. Penalties

Any person who owns or controls any building or property that violates this Ordinance shall be fined in accordance with Title 30-A M.R.S.A. § 4452. Each day such violation continues after notification by the CEO shall constitute a separate offense.

Section 14. Conflicts and Severability

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance, the conflict or inconsistency will be resolved by the CEO or Planning Board, as appropriate, and the Wireless Telecommunication applicant. The resolution will be documented in the public record. The agreed resolution shall apply to the specific application prior to any final decision being made.

The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

Section 15. Definitions

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

ABUTTER - The owner(s) of property within a 1,000 feet of the tower compound and any additional landowners as deemed necessary by the Planning Board, whether or not these properties are separated by a public or private street or right of way. The owners of property shall be considered to be the parties listed by the Tax Assessor of Otisfield as the ones against whom taxes are assessed.
ACCESSORY STRUCTURE OR USE - A separate use or structure which is customarily both incidental and subordinate to the principal structure and is on the same lot only. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

AGGRIEVED PARTY - An owner of land whose property is directly or indirectly affected by the granting or denial of an approval, permit or waiver under this Ordinance; a person whose land abuts land or is across a road or street or body of water from land for which an approval, permit or waiver has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such approval, permit or waiver.

ALTERATION - Any change or modification in construction (normal maintenance of buildings or property shall not be misconstrued as an alteration) or change in the structural members of a building or structure such as bearing walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification or addition of a deck, dormer or roof of a building.

ALTERNATIVE TOWER STRUCTURES (ATS) - Clock towers, bell steeples, light poles, water towers, electrical transmission line towers, and similar alternative mounting structures that camouflage or conceal the presence of antennas or towers associated with a Wireless Telecommunication Facility.

ANTENNA - any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

ANTENNA SUPPORT STRUCTURE - Any pole, telescoping mast, tower tripod, or other structure that attaches to a tower and supports one or more antenna(s).

APPLICANT - A person who applies for a Wireless Telecommunication Facility siting. An applicant can be the landowner of record or the wireless telecommunications service provider or agent of record with the landowner’s (or other legally designated representative) written permission.

BUILDING - See Structure

BUILDING PERMIT - The official written document to be displayed at the construction site that grants the authorization for the construction. This document is issued by the Building Inspector.

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CERTIFICATE OF COMPLIANCE - A document signed by the Code Enforcement Officer stating that a Wireless Telecommunications Facility is in compliance with all of the provisions of this Ordinance.

CODE ENFORCEMENT OFFICER - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

CO-LOCATION - means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

COMMUNITY RATES- The amount that may be charged for colocation as established by the Maine Public Utilities Commission.

COMPLETE APPLICATION - An application shall be considered complete upon submission of the required fee and all information required by this Ordinances, or by a vote by the CEO or Planning Board to waive the submission of required information. The CEO or Planning Board shall issue a written statement to the applicant upon its determination that an application is complete.

COMPOUND AREA - A compound area includes the base of the Wireless Telecommunications Facility support structure, any equipment facilities and any security fences.

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

CONSTRUCTION - Includes building, erecting, altering, reconstructing, moving upon or any physical operations on the premises which are required for construction. Excavating, fill, drainage, and the like, shall be considered a part of construction.

DESIGNATED SCENIC RESOURCE - A specific location, view or corridor, identified as a scenic resource in the Otisfield Comprehensive Plan’s Significant Scenic Vistas Table, or by a State or Federal agency, which consists of:

1. A three dimensional space extending out from a particular viewpoint focusing on a single object such as a mountain, resulting in a narrow corridor; or on a group of objects such as a mountain range, resulting in a panoramic view or corridor, or;

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2. Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint.

DEVELOPMENT - any change caused by individuals or entities to improved or unimproved real estate, including but not limited to, the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; and the storage deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

DRIVEWAY - A vehicular access-way serving one (1) lot that provides access to a street. A vehicular access-way serving two lots or less that provides access to a street. In the Shoreland Zone a driveway is limited in length to 500 feet.

DUE DILIGENCE - A process performed by a Wireless Telecommunications Facility applicant to determine the physical condition, suitability and feasibility of a landowner’s property for cell phone purposes. This includes, but is not limited to, performing signal, topographical, geotechnical, structural and environmental testing, surveying and reviewing title on the property as well as obtaining all of the certificates, permits and other approvals that may be required by any Federal, State or Local government.

EMERGENCY OPERATIONS - Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

ENGINEER -
MUNICIPAL: Any Maine licensed professional engineer hired or retained by the municipality, either as staff or on a consulting basis.
PROFESSIONAL: Any Maine licensed professional engineer

EXPANSION (WIRELESS Telecommunications Facility) - The addition of antennas, towers, or other devices to an existing structure.

FAA - the Federal Aviation Administration, or its lawful successor.

FACILITY - See Wireless Telecommunications Facility

FALL ZONE - The area on the ground from the base of a structure mounted Wireless Telecommunications Facility that forms a circle with a radius equal to one hundred twenty-five (125) % of the height of the facility, including any antennas or other appurtenances. The fall

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zone is the area within which there is a potential hazard from falling debris i.e., ice or collapsing material.

FCC - The Federal Communications Commission, or its lawful successor.

FOUNDATION - The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

GRADE - In relation to buildings, it is the average of the finished ground level at the center of each wall of a building.

GUARANTEE - See Surety.

HEIGHT OF STRUCTURE - means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade at the base of the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

HISTORIC STRUCTURE- any structure that is:

1. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district.

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a) by an approved state program as determined by the Secretary of the Interior; or b) directly by the Secretary of the Interior in states without approved programs.

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5. Identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas which have been listed or are eligible to be listed on the National Register of Historic Places.

LEASED PREMISES - The Any Maine licensed professional engineer specific portion of a landowner’s property leased by a cell site carrier for telecommunications purposes. The leased premises are identified on an exhibit to the cell tower lease.

LINE OF SIGHT - (Designated Scenic Resource) the direct view of the object from the designated scenic resource.

LOT - An area of land in one ownership, or leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

MAINTENANCE/NORMAL MAINTENANCE - The regular, routine maintenance of a Wireless Telecommunications Facility including but not limited to painting, changing light bulbs, plowing and maintaining the existing access road and gate, fence repair and maintenance, maintenance of the buffer, replacing an existing antenna with a functionally equivalent antenna, and changing or repairing electronic components that do not increase the broadcast capacity of the Wireless Telecommunications Facility in excess of the exemption standards contained in FCC Office of Engineering and Technology (OET) Bulletin #65. This definition specifically includes painting provided that the painting. This definition specifically excludes widening an access road, increasing tower height, replacing light fixtures, and increasing the broadcast capacity of a Wireless Telecommunications Facility within the exemption standards contained in FCC OETC Bulletin #65.

MODIFICATION OF AN EXISTING TELECOMMUNICATIONS FACILITY - Any change, or proposed change, in power input or output, number of antennas, change in antenna type(s) or model(s), repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit.

MODIFICATION OF AN EXISTING TOWER OR STRUCTURE - Any change, or proposed change, in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment.

M.R.S.A. - Maine Revised Statutes Annotated

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NEW CONSTRUCTION - A structure for which the construction commenced on or after the effective date of this Ordinance. It shall also include any subsequent improvements to such structures.

NEW STRUCTURE OR STRUCTURES - Includes any structure for which construction begins on or after June 27, 2015. The area included in the expansion of an existing structure is deemed to be a new structure.

NEW TOWER - A wireless telecommunication tower that is constructed after the adoption of these standards on June 27, 2015.

PARABOLIC ANTENNA - (also known as a satellite dish antenna) An antenna which is bowl-shaped, designed for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

PERFORMANCE GUARANTEE - A performance bond or surety bond held by the Town of Otisfield; issued by an insurance company or bank to guarantee satisfactory completion of the project by the applicant; also denotes a collateral deposit of “good faith money”.

PERMIT - An official action which sets forth the rights and obligations extended by the Town of Otisfield to an operator to own, construct, maintain, and operate its Wireless Telecommunication Facility within the boundaries of the Town of Otisfield.

PERMITTEE - An applicant who is granted a permit for a tower and/or Wireless Telecommunications Facility by the Town of Otisfield.

PRINCIPAL USE - A use other than one which is wholly incidental or accessory to the use of another building or use on the same premises.

PROJECT AREA - Includes the land area needed for access to the Wireless Telecommunications Facility, including area for drainage, the tower compound area, parking and maneuvering areas, and fall zone area.

RECONSTRUCTION - The rebuilding, improvements and/or upgrading to a Wireless Telecommunications Facility, provided that there is no change in the height or any other dimension of the facility and/or project area.

RIGHT-OF-WAY - A strip of land, described in a deed, and dedicated to the purpose of providing access to a parcel or parcels of land abutting it, and indicating responsibility for maintaining said right of way.
ROAD - Any public or private way designed for vehicular access, other than driveways, farm roads, trails or logging roads. The term “roads” includes synonymous words including, street, avenue, highway, lane, way, etc.

SETBACK - The minimum horizontal distance from a lot line, right of way or normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

START OF CONSTRUCTION - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the work of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for basements, footings, piers, or foundations, or the erection of temporary forms; nor does it include installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalls, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

SURETY - Surety bond or guarantee; a pledge or formal promise made to secure against loss, damage, default or for the fulfillment of an obligation; a guarantee or security; the payment of a debt. The type of surety/guarantee shall be approved by the Board of Selectmen and may include any of the following: a certified check payable to the Town of Otisfield, a savings account passbook issued in the name of the Town or a faithful performance bond running to the Town of Otisfield; issued by a surety company authorized to do business in Maine.

SURVEY - A location drawing, prepared by a Maine licensed professional surveyor licensed by the State of Maine, of a landowner’s property and its boundaries. A Wireless Telecommunications Facility application requires a survey as part of its due diligence.

TARGETED MARKET COVERAGE AREA - The area which is targeted to be served by a proposed Wireless Telecommunications Facility.

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TOWER - Shall mean any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennae, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

TOWER COMPOUND AREA - A tower compound includes the base of the Wireless Telecommunications Facility support structure, any equipment facilities and any security fences.

TOWER HEIGHT - means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

UNREASONABLE ADVERSE IMPACT - The proposed project would produce an end result which is:
1. Excessively out of character with the designated scenic resources affected, including existing buildings, structures, and features within the designated scenic resource.
2. Would significantly diminish the scenic value of the designated scenic resource.

USE - The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

VEGETATION - All live trees, shrubs, ground cover, and other plants, including without limitations, trees, both over and under four (4 inches in diameter, measured four and one half (4.5) feet above ground level.

VIEWPOINT - That location which is identified either in the Comprehensive Plan or by a Federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

WIRELESS TELECOMMUNICATIONS - Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including but not limited to telecommunications services, radio or television signals or any other spectrum-based transmissions/receptions, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile

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radio (ESMR), paging, radio, television and similar services that currently exist or that may be
developed in the future.

WIRELESS TELECOMMUNICATIONS FACILITY (WTF) or “Facility” means any structure,
antenna, tower, or other device which provides radio/television transmission, commercial mobile
wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio
communications (SMR), common carrier wireless exchange phone services, common carrier
wireless exchange access services, and personal communications service (PCS), or pager
services.

WIRELESS TELECOMMUNICATIONS TOWER - see TOWER

Appendix A

Post Development Phosphorus Export by Watershed

<table>
<thead>
<tr>
<th>Lake Name</th>
<th>DDA</th>
<th>ANAD</th>
<th>AAD</th>
<th>GF</th>
<th>D</th>
<th>F</th>
<th>WQC</th>
<th>LOP</th>
<th>C</th>
<th>P(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Pond</td>
<td>340</td>
<td>25</td>
<td>315</td>
<td>0.25</td>
<td>79</td>
<td>2.6</td>
<td>mod-sensitive</td>
<td>1.00</td>
<td>0.033</td>
<td></td>
</tr>
<tr>
<td>Moose Pond</td>
<td>1153</td>
<td>100</td>
<td>1053</td>
<td>0.25</td>
<td>263</td>
<td>10.18</td>
<td>mod-sensitive</td>
<td>1.00</td>
<td>0.0387</td>
<td></td>
</tr>
<tr>
<td>Pleasant Lake</td>
<td>2841</td>
<td>300</td>
<td>2541</td>
<td>0.35</td>
<td>889</td>
<td>55.89</td>
<td>outstanding</td>
<td>0.50</td>
<td>0.0314</td>
<td></td>
</tr>
<tr>
<td>Saturday Pond</td>
<td>835</td>
<td>70</td>
<td>765</td>
<td>0.25</td>
<td>191</td>
<td>9.17</td>
<td>mod-sensitive</td>
<td>0.75</td>
<td>0.036</td>
<td></td>
</tr>
<tr>
<td>Sebago Lake</td>
<td>11986</td>
<td>1000</td>
<td>10986</td>
<td>0.3</td>
<td>3296</td>
<td>357.09</td>
<td>outstanding</td>
<td>0.50</td>
<td>0.0543</td>
<td></td>
</tr>
<tr>
<td>Thompson Lake</td>
<td>8806</td>
<td>750</td>
<td>8056</td>
<td>0.3</td>
<td>2417</td>
<td>143.58</td>
<td>outstanding</td>
<td>0.50</td>
<td>0.0297</td>
<td></td>
</tr>
</tbody>
</table>

(1) The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus
concentration by more than 1.0 parts per billion.

<table>
<thead>
<tr>
<th>DDA</th>
<th>Direct land drainage area in Township in acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANAD</td>
<td>Area not available for development in acres</td>
</tr>
<tr>
<td>AAD</td>
<td>Area available for development in acres</td>
</tr>
<tr>
<td>GF</td>
<td>Growth factor</td>
</tr>
<tr>
<td>D</td>
<td>Area likely to be developed in acres</td>
</tr>
<tr>
<td>F</td>
<td>lbs. phosphorus allocated to towns share of watershed per ppb in lake</td>
</tr>
<tr>
<td>WQC</td>
<td>Water quality category</td>
</tr>
</tbody>
</table>

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LOP  Level of protection
C  Acceptable increase in lake’s phosphorus concentration in ppb
P  lbs. per acre phosphorus allocation (FC/D)