

# **Town of Norridgewock Subdivision Ordinance**

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# **TOWN OF NORRIDGEWOCK SUBDIVISION ORDINANCE**

## **SECTION 1. BASIC PROVISIONS**

### **1.1 Purpose**

The purpose of this Subdivision Ordinance shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, and to provide for the orderly development of a sound and stable community.

### **1.2 Authority**

These standards have been prepared in accordance with the provisions of Title 30-A, M.R.S.A., Section 4401 (Subdivision Law) and Section 2101 (Home Rule) and Article VIII, Part 2, Section I of the Maine State Constitution.

### **1.3 Administration**

- A. The Planning Board for the Town of Norridgewock, hereinafter called the Planning Board, shall administer this Ordinance.
- B. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Norridgewock.
- C. The Planning Board shall have the authority to adopt such forms as may be necessary or appropriate for the proper administration of this Subdivision Ordinance.

### **1.4 Effective Date**

The Ordinance shall take effect upon enactment by the Town's legislative body.

### **1.5 Validity and Separability and Conflict with Other Ordinances**

- D. Validity and Separability - Should any section or provision of this Ordinance be declared by any court to be invalid, such decisions shall not invalidate any other section or provision of this Ordinance.
- E. Conflict with Other Ordinances - Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

## **1.6 Amendments**

This Ordinance may be amended by a majority vote of the legislative body.

## **1.7 Liability**

The Town of Norridgewock agrees to defend and indemnify the Code Enforcement Officer, the Planning Board, the Board of Appeals, or any individual member of either Board or Town staff with regard to lawsuits filed against any or all of them based on their actions or inactions under this Ordinance.

## **1.8 Exceptions**

This Ordinance does not apply to:

1. Previously approved subdivisions. Proposed subdivisions approved by the Planning Board or the municipal officials before September 23, 1971, in accordance with laws then in effect.
2. Previously existing subdivisions. Subdivisions in actual existence on September 23, 1971, that did not require approval under prior law.
3. Previously recorded subdivisions. A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971.
4. Airports with an approved airport layout plan. Any airport with an airport layout plan that has received final approval from the airport sponsor, the Maine Department of Transportation and the Federal Aviation Administration.
5. Subdivisions in existence for at least 20 years. A subdivision in violation of this Ordinance that has been in existence for 20 years or more, except a subdivision:
  - A. That has been enjoined pursuant to Section 8.2.
  - B. For which approval was expressly denied by the Planning Board, and record of the denial was recorded in the appropriate registry of deeds;
  - C. For which a lot owner was denied a building permit under this Ordinance, and record of the denial was recorded in the appropriate registry of deeds;  
or
  - D. That has been the subject of an enforcement action or order, and record of

the action or order was recorded in the appropriate registry of deeds.

6. Division of new or existing structures. Beginning July 1, 2018, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to Norridgewock Site Plan Review Ordinance.

A. For the purposes of this subsection, "municipal site plan review" means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety.

B. The Planning Board shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of Paragraph A.

## **SECTION 2. GENERAL REQUIREMENTS**

In reviewing applications for subdivisions, the Planning Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person or entity proposing the subdivision.

### **2.1 Conformance with the Other Laws and Regulations**

The proposed subdivision shall be in conformance with the Town's Comprehensive Plan and all pertinent local, State, and Federal ordinances, statutes, laws and regulations. In making this determination, the Planning Board is authorized to interpret these ordinances and plans. If the proposed subdivision meets the definition of subdivision as defined in the Site Location of Development Act, Title 38, M.R.S.A., Section 482, the subdivider must secure the approval of the Board of Environmental Protection and the Planning Board. When a proposed subdivision requires approval of the Planning Board and the Board of Environmental Protection, each review may be conducted simultaneously.

However, each review will be conducted independently, and the Planning Board may deny approval of the subdivision even though the Board of Environmental Protection has granted approval under the provisions of the Site Location of Development Act.

## **2.2 Relationship to Community Services**

- A. The proposed subdivision shall not have a negative impact on community services. Any proposed subdivision shall be reviewed by the Planning Board with respect to its effect upon existing services and facilities. The final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the public, which shall include, but not be limited to:
  - 1. Schools, including busing
  - 2. Road maintenance and snow removal
  - 3. Police and fire protection
  - 4. Solid waste disposal
  - 5. Recreation facilities
  - 6. Runoff water disposal drainage ways and/or storm sewer enlargement with sediment traps
- B. The Bond may further require the developer of a subdivision to provide accurate cost estimates to the Town for the above services, and the expected tax revenue of the subdivision.

## **2.3 Retention of Open Space and Natural or Historic Features**

- A. In any subdivision the Planning Board may request the developer to provide up to 10% of their total area as open space. The subdivider may instead make a payment in-lieu-of dedication into a Norridgewock municipal land acquisition fund.
- B. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. 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. Sites selected primarily for scenic or passive recreation purposes shall have suitable private access and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Planning Board with regard to scenic attributes to be preserved, together

with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

- C. Reserved land acceptable to the Planning Board and subdivider may be requested to be dedicated to the Town.
- D. The Planning Board may require the preservation of scenic, historic, or environmentally significant areas.
- E. Where the proposed subdivision is located on a river, stream or shoreline, a portion of the waterfront area, when feasible, shall be included in the reserved land.

#### **2.4 Preservation of Natural and Historic Features**

- A. The subdivision plan shall show the location of any historic and archaeological sites, wildlife habitat, scenic areas, and rare and natural areas. If any of these areas are on the site, a protection plan shall be developed in accordance with the following:
  - 1. If any portion of the site is designated as a significant archaeological or historic site by the Maine Historic Preservation Commission, or listed on the National Register of Historic Places, the subdivider shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.
  - 2. If any portion of the site is within an area designated as a scenic area or a unique area by the Maine Natural Areas program, the subdivider shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
  - 3. If any portion of the site is within a significant wildlife habitat area, the subdivider shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss. Wildlife habitat areas shall include the following:
    - (a) Habitat or endangered species appearing on the official state or federal list of endangered or threatened species.
    - (b) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
    - (c) Deer wintering areas as identified by the Maine Department of



## Inland Fisheries and Wildlife.

### **2.5 Land Not Suitable for Development**

- A. The Planning Board shall not approve for the purpose of meeting lot size requirements such portions of any proposed subdivision that:
  - 1. Land which is situated below the high water mark of any water body;
  - 2. Land which is part of a right-of-way, or easement, including utility easements;
  - 3. Land that has been created by filling or draining a pond or wetlands, or land created by diverting a watercourse, except the Planning Board may grant approval if a central sewage collection treatment system is provided.;
  - 4. Employs septic sewage disposal and is located on soils rated poor or very poor by the Soil Suitability Guide for Land use Planning in Maine. Lots used for on-site sewage disposal shall meet or exceed the lot size guidelines for soil types and slopes as specified in Appendix 1 of "State of Maine Plumbing Code, Part II, Private Sewerage Disposal Regulations," as amended.
- B. Wherever situated, in whole or in part, within 250 feet of the high water line of any pond, lake, river or tidal waters, a proposed subdivision shall conform to the Town of Norridgewock Shoreland Zoning Ordinance.

### **2.6 Lots**

- A. Single family residential lots within the Norridgewock Water District shall meet or exceed the minimum requirement of 20,000 square feet of area and not less than 100 feet of road frontage. Any lot outside of the Norridgewock Water District shall have at least 30,000 square feet of lot area and not less than 150 feet of road frontage except in the situation of a cul-de-sac on a private road when the frontage will be 75 feet. If more than one residential dwelling unit is constructed or established on a single parcel, the minimum lot size requirements shall be met for each dwelling unit.
- B. Duplexes and multi-family dwelling units may be constructed and/or installed on parcels of land consisting of the aggregate of 30,000 square feet for each dwelling unit with another 30,000 square feet required for each additional individual dwelling unit, provided that such construction and/or installation shall fully comply with the provisions of all the Town's

ordinances. By way of example, a three (3) unit structure would require a lot of at least 90,000 square feet of land area, 30,000 square feet for each of the three dwelling units. Commercial activities serving or open to persons other than persons occupying the dwelling units, which are constructed or included as part of apartments or other dwelling units shall require a minimum of 1 additional acre of additional land for each separate commercial activity.

- C. Mobile home parks shall have a minimum of 6,500 square feet (exclusive of roads) with 75 feet road frontage for each home if served by public sewer (or private central sewer system). If individual subsurface wastewater disposal systems are proposed, each site shall contain a minimum of 20,000 square feet with a minimum frontage of 100' feet. If an on-site cluster system or central subsurface disposal system is proposed, each site may have a minimum of 5,000 square feet provided that the entire parcel contains at least 20,000 square feet for each mobile home site. If soil characteristics require a larger lot size, then the Planning Board shall mandate such in its approval process. All manufactured housing parks shall conform to the Norridgewock Manufactured Housing Park Ordinance.

For sites that fall within the jurisdiction of the 250 foot mandatory Shoreland Zoning Act, the minimum site standards for that Act shall apply.

- D. The lot size, width, depth, shape, and orientation, and the minimum building setback lines from streets, sidelines, or boundaries shall be appropriate for the location of the subdivision based on other existing land uses within the subdivision area and surrounding properties, and consistent with all other Town ordinances and the laws of the State of Maine.
- E. Depth and width of properties reserved or laid out for any purpose shall meet Section 3 Design Standards to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
- F. The subdividing of the land shall provide that all buildable lots have a minimum frontage of 150 feet, on a road and be consistent with all other ordinances, and meet the requirements herein.
- G. Side lot lines shall be substantially at right angles or radial to street lines.
- H. Where a tract is subdivided into lots substantially larger than the minimum size required herein, the Planning Board may require that roads and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these standards.

- I. Permanent monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:
  - 1. At all road intersections and points of curvatures, but no farther than 750 feet apart along road lines without intersections or curves.
  - 2. At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
  - 3. At all other subdivision boundary corners and angle points plus lot boundary corners and angle points.
  - 4. If lot lines are not 90 degrees to the road, then monuments shall be set 100 feet from the road at each side line.
- J. An accessory dwelling unit located on the same lot as a single-family dwelling unit and otherwise meeting the requirements of Title 30-A, M.R.S.A. Section 4364-B, and relevant town ordinances shall be exempt from
  - 1. The minimum lot size requirements of Section 2.6.A,
  - 2. The minimum road frontage requirement of Section 2.6.F,
  - 3. Dimensional and setback requirements to the extent required by Title 30-A, M.R.S.A. Section 4364-B, and
  - 4. Any parking requirements above and beyond those required for the single-family dwelling,
  - 5. Any other requirements or calculations in this Ordinance related to density or to the area in which the accessory dwelling unit is constructed.
- K. In any “Designated Growth Area” identified in the Town Norridgewock’s Comprehensive Plan or any area served by a public, special district, or other centrally managed water system and a public, special district or other comparable sewer system, an affordable housing development meeting the requirements of Title 30-A, M.R.S.A. Section 4364, as amended, and the rules promulgated thereunder shall be allowed a dwelling unit density of 2 ½ times the base density that is otherwise allowed in that location and shall not be required to have more than 2 off-street parking spaces for every 3 dwelling units.

- L. Nothing in this Ordinance shall exempt accessory dwelling units or affordable housing developments from the minimum lot size requirements of Title 12, M.R.S.A. Chapter 423-A, as amended, and the rules promulgated thereunder, from the requirements of the Town of Norridgewock Shoreland Zoning Ordinance or from any other ordinance of the Town of Norridgewock.

## **2.7 Easements**

- A. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a stormwater easement or drainage right-of-way shall be provided conforming substantially to the lines of the watercourse, and of the width and construction, or both, as will be adequate for the purpose. Whenever possible, it is desirable that the drainage be maintained by an open channel and adequate width for maximum potential volume of flow.
- B. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements of at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plan.
- C. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plan.
- D. The Planning Board may require easements for sewage, drainage, or other utilities.

## **2.8 Utilities**

- A. The size, type and location of public utilities, such as streetlights, electricity, telephone, gas lines, fire hydrants, etc., shall be installed in a manner acceptable to the appropriate utility and/or Town department.
- B. Utilities shall be installed underground except as otherwise approved by the Planning Board.

## **2.9 Fire Protection and Other Emergency Vehicles**

- A. The subdivision shall be designed so that the Fire Department and all other emergency vehicles shall have unrestricted access to all developed area within the subdivision.

## **2.10 Additional Requirements**

- A. Street trees, and open vegetated spaces may be required by the Planning Board to assure the subdivision will blend harmoniously to the existing environment. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.

The subdivision design shall minimize the possibility of noise pollution either from within or outside of the development, by providing and maintaining a vegetated strip at least 20 feet wide between abutting properties that are so endangered.

## **2.11 Review Criteria**

When reviewing any subdivision for approval, the Planning Board shall consider the following criteria and, before granting approval, must determine that:

1. Pollution. The proposed subdivision will not result in undue water or air pollution.
2. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;
4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads, existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, M.R.S.A. Section 704 and any rules adopted under that section;
6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on Town services if they are utilized;
7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the Town's ability to dispose of solid waste, if Town services are to be utilized;

8. Aesthetic, cultural and natural values. The proposed subdivision will not have an negative effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
9. Conformity with local ordinances and plans. The proposed subdivision conforms with all relevant Town ordinances, comprehensive plan, development plan or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans;
10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;
11. Surface waters. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, M.R.S.A. Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the subdivider whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Whenever situated, in whole or in part, in a flood-prone area the subdivision shall conform to the Floodplain Management Ordinance for the Town of Norridgewock, Maine;
14. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;
15. Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;
16. River, stream or brook. Any river, stream or brook within or abutting the proposed

subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, M.R.S.A. Section 480-B, Subsection 9. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as these features defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.

17. Stormwater. The proposed subdivision will provide for adequate stormwater management;
18. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland, as these features are defined in Title 38, M.R.S.A. Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
19. Impact on adjoining municipalities. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and
20. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A. Section 8868 and Section 8869, Subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine, prior to granting approval, for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the Planning Board may accept a determination certified by a forester licensed pursuant to Title 32, M.R.S.A. Chapter 76.

The Planning Board may request technical assistance from the Bureau. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The Bureau shall provide a written copy of its finding and determination to the Planning Board within 30 days of receipt of the Planning Board's request. If the Bureau notifies the Planning Board that the Bureau will not provide assistance, the Planning Board may require a subdivider to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A. Section 8868, Subsection 6 and "parcel" means a contiguous area within one municipality, township, or plantation owned by one person or a group of persons in common or joint ownership.

## SECTION 3. DESIGN STANDARDS

### **3.1 Monuments**

- A. Permanent monuments (see Section 2.6.I) shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections.

### **3.2 Off-Street Parking**

- A. Off-street parking, either by means of unenclosed suitable spaces each having a minimum area of 220 square feet plus necessary maneuvering space, or by enclosed garage space, shall be provided according to the following minimum requirements:

1. Dwelling Units: 2 spaces for each dwelling unit.
2. Accessory Dwelling Units: No additional requirements.
3. Commercial Establishments  
Restaurant: 1 parking space for every 4 seats;  
Retail Store: 1 space for each 100 square feet of retail floor area;  
All Other Commercial Establishments: 1 space for each 300 square feet of floor area.
4. Churches and Places of Assembly: 1 space for each 4 seats or for every 100 feet of assemblage space if no fixed seats.
5. Schools: 5 parking spaces for each room plus 1 space for each 4 employees.
6. Health Institutions: 1 parking space for every 3 beds, plus 1 for each employee based on the expected average employee occupancy.
7. Professional Office and Public Buildings: 1 parking space for every 200 square feet of gross leasable area, exclusive of cellar and bulk storage areas.
8. Other Commercial Recreation Establishments: Minimum of 30 parking spaces, or the number of spaces deemed appropriate by the Planning Board.
9. Industrial: 1 parking space for each one and 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.



### **3.3 Roads and Traffic Access**

- A. All proposed public and private subdivision roads shall be designed, constructed and installed according to the Town of Norridgewock Road and Entrance Design Standards Ordinance.
- B. Previously accepted existing Town ways may be exempted.

### **3.4 Street Signs**

- A. Streets, which join or 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 and shall be subject to the approval of the Planning Board and the E911 Addressing Officer, in accordance with the Town of Norridgewock Street Naming and House Numbering Ordinance.
- B. Street name signs shall be furnished and installed by the Town. Unless otherwise prohibited, the type, size and location shall be as follows:
  - 1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed 6 square feet in area, and shall not exceed 2 signs per premises. Signs relating to goods and services not rendered on the premises shall be prohibited.
  - 2. Name signs shall be permitted, provided such signs shall not exceed 2 signs per premise.
  - 3. Residential users may display a single sign not over 3 square feet in area relating to the sale, rental, or lease of the premises.
  - 4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that such sign shall not exceed 2 square feet in area.
  - 5. No sign shall extend higher than 20 feet above the ground or height of roof of a building.
  - 6. Signs may be illuminated only by shielded, non-flashing lights.

### **3.5 Stormwater Management**

- A. All construction and development shall be designed to minimize stormwater runoff from the site. Where possible, existing natural runoff control features shall be retained to reduce runoff and encourage infiltration.
- B. For subdivisions that require a Maine Department of Environmental Protection (DEP) review under the Site Location of Development Act (SLDA), a stormwater management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Stormwater Regulations.
- C. For subdivisions that do not require a SLDA permit, but require a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500 Stormwater Regulations.
- D. For subdivisions outside of the watershed of a Great Pond, that neither require a SLDA permit, nor a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which incorporates Low Impact Development Techniques on each individual lot, as described in [LID Guidance Manual for Maine Communities](#)
- E. The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a “Downstream Analysis” under conditions of the 10-year, 24-hour storm, the 25-year, 24-hour storm, and the 100-year, 24-hour storm, as described below:

Downstream Analysis Methodology The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the 10-year, 24-hour storm, and the 25-year, 24-hour storm, and the 100-year, 24-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a 10-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5%, and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.

### **3.6 Erosion Control**

- A. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions shall comply with the following:
  - 1. The site shall be developed to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed 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 as most recently amended
  - 2. All temporary and permanent erosion features shall be shown on the subdivision plan

### **3.7 Water Supply**

- A. 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 subdivider. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Norridgewock Water District or district and the fire chief. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.
  - 1. When a subdivision is to be served by a public water system, the subdivider shall submit a letter from the Norridgewock Water District indicating that an adequate supply of water is available to serve the subdivision.
- B. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.
  - 1. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
    - (a) Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots smaller than 1

acre. On lots of 1 acre or smaller, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.

- (b) Wells shall not be constructed within 100 feet of the traveled way of any street, if the well is 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 affected lots.
- 2. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
- 3. If a central water supply system is provided by the subdivider, 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).
- 4. Any development proposed within a sand and gravel aquifer, as identified by the Town of Norridgewock, shall be designed and constructed to a plan which takes into account the impact of the development upon the aquifer.
  - (a) The Planning Board may require the subdivider provide a plan developed by a hydrologist which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan is required, shall consider the density of the development and existing conditions or problems within the area.
- 5. In areas where the comprehensive plan has identified with the need for additional water storage capacity for firefighting purposes, the subdivider shall provide adequate water storage facilities.
  - (a) Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief.

- (b) A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not served by a public water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. The Planning Board may require additional storage capacity upon a recommendation from the fire chief.
  - (c) 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 3 feet of ice. An easement shall be granted to the Town granting access to and maintenance of dry hydrants or reservoirs where necessary.
  - (d) Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be 6 inches. A suitable accessway to the hydrant or other water source shall be constructed.
  - (e) The Planning Board may waive the requirement for water storage only upon the submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that alternate means of fire protections – such as dry hydrants or other fire suppression means – are adequate to serve the development and meet the public safety needs of the community. Any such waiver shall be documented in the Findings of Fact and shall include any conditions necessary to ensure adequate fire protection.
6. Water Quality. Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water contains contaminants that exceed the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

### **3.8 Sewage Disposal**

#### **A. Public System**

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

#### **B. Private Systems.**

1. When a proposed subdivision is not within the area where connection to the public sewage disposal is feasible, designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface wastewater disposal systems or a private treatment facility with surface discharge, licensed by the Department of Environmental Protection.
2. The subdivider 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 be 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 in the deed 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.

### **3.9 Agricultural, Forest, and Rural Resources**

- A. Whenever a proposed subdivision is adjacent to an active farm, pasture field, a woodlot listed under Tree Growth, a productive forestry site, or borrow pit operation, suitable provisions shall be incorporated into the subdivision proposal to minimize future conflicts between residential sites and agricultural, forestry, or borrow operations. A disclosure notice shall be included in the deed for each lot to inform the new landowner that agricultural, forestry, or borrow pit activities generate noise, dust, and odors.

### **3.10 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 Town to exceed its contract with a non-municipal facility, the subdivider 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 Planning Board may not require the alternate arrangement to exceed a period of 5 years.

### **3.11 Erosion and Sedimentation and Impact on Water Bodies**

- a. The proposed subdivision shall prevent soil erosion and sedimentation 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. Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.

- d. 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

## **SECTION 4. PERFORMANCE GUARANTEES**

### **4.1 Types of Guarantees**

With submittal of the application for Final Plan approval, the subdivider 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-space of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
- B. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers.
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers: or
- D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

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

### **4.2 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 developer will be in default and the Town shall have access to the funds to finish construction.



#### **4.3 Escrow Account**

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the Town's endorsement shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the Town 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 subdivider and the amount withdrawn to complete the required improvements.

#### **4.4 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 subdivider, and the procedures for collection by the Town. The bond documents shall specifically reference the subdivision for which approval is sought.

#### **4.5 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.

#### **4.6 Conditional Agreement**

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

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

Notice of the agreement and any conditions shall be on the Final Plan, which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 4.8.

#### **4.7 Phasing of Development**

The Planning Board may approve the 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.

#### **4.8 Release of Guarantee**

Prior to release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, based on other agencies and departments who may be involved in deciding the performance guarantee, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

#### **4.9 Default**

If, upon inspection, the Code Enforcement Officer (CEO) finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report in writing to the Municipal Officers, the Planning Board, and the subdivider. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

#### **4.10 Private Roads**

Where the subdivision's streets are to remain private roads, the following words shall appear on the recorded plan:

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

#### **4.11 Improvements Guaranteed**

The performance guarantees shall be tendered for all improvements required by Section 9 of this Ordinance, as well as any other improvements required by the Planning Board.

## **SECTION 5. PRE-APPLICATION REVIEW**

### **5.1 Procedure**

Before submitting a formal application for approval, the subdivider or their agent shall meet with the CEO and/or the Town Manager to discuss the proposed development. A sketch plan should be presented for information review, and arrangements made for an inspection of the site with the Code Enforcement Officer.

### **5.2 Submission**

The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. The Sketch Plan shall be accompanied by a copy of the USGS topographic map of the area showing the outline of the proposed subdivision.

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

Within 30 days, the CEO shall determine and inform the subdivider in writing of the required contour interval, specific requirements for Preliminary Plot Plan submission, and hold an on-site inspection of the property.

### **5.4 Rights Not Vested**

The submittal or review of the Pre-application Sketch Plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., Subsection 302.

### **5.5 Ownership**

A copy of the deed, binding Purchase and Sale Agreement, or purchase option demonstrating ownership of the property proposed for subdivision must be submitted with the pre-application review materials.

## **SECTION 6. PRELIMINARY PLAN FOR A SUBDIVISION**

### **6.1 Procedure**

- A. Within 6 months after the on-site inspection by the CEO, the subdivider shall submit an application for approval of a Preliminary Plan. Failure to do so shall require resubmission of the Sketch Plan to the CEO. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus the specific requirements checked by the CEO on the application.
- B. All applications for Preliminary Plan approval for a subdivision shall be accompanied by the fees set forth in the Subdivision Permit Fee Schedule, payable by check to the Town.
- C. The subdivider, or their duly authorized representative, shall attend the meeting of the CEO and/or the Town Manager to discuss the Preliminary Plan.
- D. Upon receiving an application, the CEO shall issue to the subdivider a dated receipt. Upon receiving an application, the Town shall notify by mail all abutting property owners of the proposed subdivision, specifying the location of the proposed subdivision and a general description of the project.
- E. Within 30 days of receipt of Preliminary Plan application form and fee, the CEO shall notify the subdivider in writing if the application is complete, or what additional submissions are required for a complete application.
- F. Completeness of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board upon fulfillment of the requirements of the regulations and the conditions of the preliminary approval, if any. Prior to the approval of the Final Plan, the Planning Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

### **6.2 Submissions**

- A. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn to scale adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the Town. The Location Map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision
2. Locations and names of existing and proposed streets
3. Boundaries and designations of Shoreland Zoning Districts
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire holding

B. Preliminary Plan. The Preliminary Plan shall be submitted in 1 or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimal of a foot. The Plan should also be submitted electronically. The Preliminary Plan shall be drawn to a scale of not more than 100' : 1". The Planning Board may allow plans for subdivision containing more than 75 acres to be drawn at a scale of not more than two 200' : 1" provided all necessary detail can easily be read. In addition, 1 copy of the Plan(s) reduced to a size of 8-1/2 x 11 inches shall be mailed to all Planning Board members, the Town Manager, and the CEO no less than 7 days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval in conjunction with any additional specific requirements checked by the Planning Board on the application.

1. Proposed name of the subdivision and the name of the Town in which it is located, plus Lot numbers.
2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed Professional Land Surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
3. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
4. A copy of any covenant(s) or deed restriction(s) intended to cover all or part of the lots in the subdivision, including road maintenance and snow removal agreements.
5. Contour lines at the interval specified by the Planning Board, showing elevations in relation to a commonly used vertical datum such as the North American Vertical Datum of 1988 (NAVD 88).

6. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, wetlands, vegetative cover type, shoreline boundaries, and other essential existing physical features.
7. Indication of the type of sewage disposal to be used in the subdivision.
  - a. Overboard discharge sewage disposal systems shall not be permitted for new systems. Overboard discharge sewage disposal systems shall not be permitted for an existing subsurface sewage disposal system.
  - b. When sewerage disposal is to be accomplished by subsurface sewage disposal systems, test pit analysis, prepared by a Licensed Site Evaluator, shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
8. Indication of the type of water supply system(s) to be used in the subdivision.
9. The date the Plan was prepared, magnetic, grid, or true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
10. The names and addresses of owners of record of adjacent property, including any property directly across an existing road from the subdivision.
11. The location of any Shoreland Zoning boundaries affecting the subdivision.
12. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
13. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the subdivision.
14. The proposed lot lines with dimensions and lot areas.
15. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
16. The location of any open space to be preserved and an indication of

its improvement and management.

17. A soil erosion and sedimentation control plan endorsed by the County Soil and Water Conservation District may be required by the Planning Board.
18. A copy of that portion of the County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Planning Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

## **SECTION 7. FINAL PLAN FOR A SUBDIVISION**

### **7.1 Procedure**

- A. The subdivider shall, within 6 months after the Preliminary Plan being found complete, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. If the Final Plan is not submitted to the Planning Board within 6 months after the approval of the Preliminary Plan, the Planning Board shall refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan.
- B. The time of submission of the Final Subdivision Plan shall be the official submittal date.
- C. The subdivider, or their duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
- D. Upon determination that a complete application has been submitted for review, the Planning Board shall determine whether to hold a public hearing on the Final Plan application.
- E. The Planning Board reserves the right to obtain an independent evaluation of a proposed development to assist them in making necessary findings of fact. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the subdivider to defray the cost of such study or studies. Any funds not utilized for consultant studies will be returned to the developer.
- F. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:
  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 and/or Stormwater Law, or if an MEPDES wastewater discharge license is needed.
  3. Maine Department of Human Services, if the subdivider proposed to provide a public water system.
  4. Maine Department of Human Services, if an engineered subsurface wastewater 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.
  6. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit.
  7. Written approval of any proposed street names from the Town of Norridgewock E-911 Addressing Officer.
  8. Written approval of the Town of Norridgewock Fire Chief that the proposed design meets their criteria.
  9. Written approval of the Town of Norridgewock Road Commissioner for any driveways or vehicular entrances onto Town roads.
- G. Notice of the application and public hearing shall be published in a local newspaper at least twice, the first time to be at least 7 days in advance of the public hearing. Notice of the application shall also be posted in an accessible public location and mailed to the subdivider and to each owner of the abutting property or adjacent to the proposed development. Landowners shall be considered to be those against whom property taxes are assessed. Failure of any person to receive a mailed notice of application in a timely manner shall not necessitate another notification, or invalidate any action of the Planning Board. The purpose of the notification shall be to inform the general public and abutters that a public hearing is to be held on a pending application. Cost of Mailing shall be the expense of the subdivider.
- H. Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Town Treasurer a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Treasurer a performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Town Officers as to form, sufficiency, manner of execution and surety. A period of 1 year from the Planning Board



date of final approval shall be set forth in the bond as the time within which required improvements must be completed. The certified check or bond may include an amount required for recreation land improvements as specified.

- I. From the date of receipt of the Final Plan the Planning Board shall have 60 days plus the number of days until the next regular Planning Board meeting to approve, modify, and approve, or disapprove the Final Plan. The reasons for any modifications required or the grounds for disapproval shall be stated upon the records of the Planning Board and provided to the subdivider in writing.

## **7.2 Submissions**

The Final Plan shall consist of 1 or more maps or drawings to a scale of not more than 100' : 1". Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200' : 1". Plans shall be no larger than 24" x 36" in size and shall have a margin of 2 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 thereon for endorsement by the Planning Board. No less than 7 days prior to the meeting, 1 reproducible, stable-based original of the recording plan to be recorded at the Registry of Deeds, and seven 24" x 36" paper copies of all the final plan sheets and any supporting documents shall be submitted. All documents should also be submitted electronically.

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

- A. Proposed name of the subdivision and the name of the municipality in which it is located, and lot numbers.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed Professional Land Surveyor. The corners of the tract shall be located on the ground and marked by monuments. The Plan shall indicate the type of monument set or found at each lot corner.
- C. The number of acres within the proposed subdivision, location of property lines, existing shoreline boundary lines, existing buildings, watercourses, wetlands, and other essential existing physical features.
- D. Indication of the type of sewage disposal to be used in the subdivision.
- E. Indication of the type of water supply system(s) to be used in the subdivision.

- F. The date the Final Plan was prepared, magnetic, grid, or true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
- G. The location of any Shoreland Zoning boundaries affecting the subdivision.
- H. The location and size of existing and proposed sewers, culverts, and drainage ways on or adjacent to the property to be subdivided.
- I. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the subdivision. The Final 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 original plan shall be affixed with the seal of the licensed Professional Land Surveyor and be signed by that individual.
- J. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the FEMA Flood Insurance Rate Map shall be delineated on the Plan.
- K. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Town of all public ways and open spaces shown on the Final 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 managed and maintained shall be submitted. These may include homeowners' association bylaws and condominium declarations. If proposed streets and/or open spaces or other land is to be offered to the Town, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- L. The subdivider shall provide 7 copies of the Final Plan for the Planning board 24" x 36", 20lbs weight paper, rolled.
- M. Approval Space. Suitable space to record on the approved plan the date and conditions of approval, if any.
- N. A list of the construction items that will be completed by the developer prior to the sale of lots shall be submitted.

### **7.3 Inspection of Required Improvements**

- A. At least 5 days prior to commencing construction of required improvements, the subdivider shall notify the Municipal Officers in writing of the time when they propose to commence construction of such improvements so that the

Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements and utilities required by the Planning Board.

- B. If the appointed engineer or CEO shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, they shall so report to the Municipal Officers and Planning Board. The Municipal Officers shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on the previously approved plan.
- C. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the appointed CEO that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the inspecting official is authorized to approve minor modifications without the Planning Board's approval. This does not extend to the waiver of substantial alteration of the function of any improvements required by the Planning Board.
- D. The subdivider may be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Town or control is placed with a lot owners' association.

#### **7.4 Final Approval and Filing**

- A. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. 4401. et seq., and this Ordinance have been met, and upon voting to approve the subdivision, the Planning Board shall sign the Final Plan. 1 copy of the signed plan shall be forwarded to the Tax Assessor. 1 copy of the signed plan shall be forwarded to the Code Enforcement Officer. The approved Final Plan will not be considered in effect until said plan is filed with the Registry of Deeds and a certified copy received by the Planning Board.
- B. If any aspect of the Planning Board approval is conditional, the specific conditions shall be stated on the Final Plan prior to signing by the Planning Board.
- C. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the

Planning Board approves any modifications, except in accordance with Section 7.3.C. The Planning Board shall make findings that the revised plan meets the standard of Title 30-A, M.R.S.A. Sections 4401 et seq., and this Ordinance. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

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

#### **7.5 Expiration of Approval**

- A. Approval of the Final Plan shall expire if the plan is not recorded in the Somerset County Registry of Deeds within 90 days of the date of Planning Board approval, unless an extension is granted by the Planning Board in writing.
- B. Approval of the Final Plan shall expire 2 years from the date of recording unless a substantial start of construction of required improvements, including but not limited roads, utilities, and monumentation has been made.
- C. If all required improvements are not completed within 5 years of the date of recording, the approval of the Final Plan shall expire, unless an extension is granted by the Planning Board in writing.
- D. The subdivider may submit a written request to the Planning Board for an extension prior to the expiration of any deadline. The Board may grant one or more extensions for good cause shown.

## **SECTION 8. ENFORCEMENT**

### **8.1 Inspection of Required Improvements**

- A. At least 5 days prior to commencing each major phase of construction of required improvements, the subdivider or agent shall notify the CEO in writing at the time when they propose to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- B. If the inspecting official finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, they shall so report in writing to the Municipal Officers, the Planning Board, and the subdivider or agent. The Municipal Officers shall take any steps necessary to preserve the Town's rights.
- C. If at any, it appears to be necessary or desirable to modify the approved plan, the subdivider shall obtain permission in writing to modify the plans from the Planning Board or in accordance with Section 9 of this Ordinance.
- D. Prior to the sale of any lot, the subdivider shall provide the Planning Board with a letter from a licensed Professional Land Surveyor, stating that all monumentation shown on the plan has been installed.
- E. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- F. The subdivider, agent or property owner shall be required to maintain all improvements and provide for snow removal.

### **8.2 Violations and Enforcement**

- A. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Planning Board in accordance with this Ordinance.
- B. No person, firm, corporation, or other legal entity may convey, offer, or agree to convey any land or dwelling unit in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds. A recorded copy of the subdivision, stamped by the Registry of Deeds, shall be returned to the Planning Board within 30 days.
- C. No person, firm, corporation or other legal entity may convey, offer, or agree to convey any land or dwelling unit in an approved subdivision which is not

shown on the Final Plan as a separate lot or dwelling unit.

- D. Any person, firm, corporation, or other legal entity who conveys, offers, or agrees to convey any land or dwelling unit in a subdivision which has not been approved as required by this Ordinance shall be subject to fines set forth in Title 30-A M.R.S.A. Section 4452 for each such conveyance, offering, or agreement.

The Attorney General, the Town, the Planning Board of any municipality or the appropriate municipal officers may institute proceedings to enjoin the violations of this section and if a violation is found by the court, the Town, Town Planning Board or the appropriate Municipal Officers shall be allowed attorneys fees. Each day in which a violation is proven to exist shall constitute a separate violation under this section.

- E. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot or dwelling unit in a subdivision for which a Final Plan has not been approved by the Planning Board.
- F. Development of a subdivision without Planning 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 Final Plan approved as provided in this Ordinance and recorded in the Registry of Deeds.
- G. No lot or dwelling unit in a subdivision may be sold, leased, or otherwise conveyed before the road upon which the lot front is completed in accordance with this Ordinance, up to and including the entire frontage of the lot. No unit in a multifamily development shall be occupied before the street upon which the unit is accessed is completed in accordance with this Ordinance.

## **SECTION 9. REVISIONS**

### **9.1 Minor Revisions**

- A. A minor revision to an approved Plan may be approved by the CEO. Minor revisions are those that do not involve the creation or relocation of lot boundaries or public improvements, including but not limited to public roads, public water or sewer lines, or drainage structures.
  - 1. The subdivider shall submit a statement identifying the proposed change and rationale for it.
  - 2. The CEO shall approve or deny the proposed changes within 5

business days. The CEO may refer the revision to the Planning Board for a decision if they determine that the change is substantial.

## **9.2 Major Revisions**

- A. Any major revision to an approved plan shall be reviewed and approved by the Planning Board. Major revisions are those that involve the creation or relocation of lot boundaries or public improvements, including but not limited to public roads, public water or sewer lines, or drainage structures.
  - 1. The subdivider shall submit a revised plan to the Planning Board for review, clearly identifying the original Plan by name and approval date and naming the proposed revisions. Supplemental materials shall only be required if they have direct bearing on the proposed changes.
  - 2. A public hearing is not mandatory for a revision, but the Planning Board may decide to hold a public hearing if it finds that the proposed change may impact public services or abutting properties. Notice and hearing requirements shall be in accordance with 7.1.G of this Ordinance.

## **SECTION 10. WAIVERS**

### **10.1 Waivers of Certain Submission Requirements Authorized.**

Where the Planning Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by this Ordinance or Maine statutes, provided the subdivider has demonstrated that the performance standards of this Ordinance and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, any Town zoning ordinance, or this Ordinance.

### **10.2 Waivers of Certain Improvements Authorized.**

Where the Planning 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, a zoning ordinance, or this Ordinance, and further provided the performance standards of this Ordinance and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

### **10.3 Waiver of Procedural Steps**

The Planning Board may allow an subdivider to combine the Final Plan and Preliminary Plan application steps into one procedure, upon making all of the following written findings of fact:

- a. No new streets are proposed;
- b. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a “Permit by Rule;”
- c. The Planning Board agrees to approve a waiver from the requirement to submit a stormwater management plan and sedimentation and erosion control plan, as ordinarily required by Sections 6 or 7; and
- d. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted.

### **10.4 Conditions for Waivers.**

Waivers may only be granted in accordance with Sections 10.1, 10.2 and 10.3. When granting waivers, the Planning Board shall set conditions so that the purposes of this Ordinance are met.

### **10.5 Waivers to be shown on Final Plan.**

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

## **SECTION 11. APPEALS**

An appeal of a decision of the Planning Board regarding interpretation of this Ordinance may be taken to the municipal Board of Appeals in accordance with Title 30-A, M.R.S.A



Section 2691. Appeals on other issues including issue of fact shall be taken directly to the Maine Superior Court pursuant to Rule 80B of the Maine Rules of Court Procedure.

### **11.1 Appeals to Superior Court**

An aggrieved party may appeal any decision of the Planning Board under this Ordinance to Somerset County Superior Court, within 30 days of the date the Planning Board issues a written order of its decision.

## **SECTION 12. ASSURANCE OF COMPLIANCE**

The Planning Board, to assure that the subdivision complies with this Ordinance and all other Town ordinances, may contract outside services, at the subdivider's expense. Such services may include, but shall not be limited to, clerical costs, consulting engineering fees, architectural fees, attorney fees, recording fees, and/or appraisal fees.

## **SECTION 13. CERTIFICATION OF COMPLIANCE**

No parcel, lot, or structure shall be conveyed, leased, or occupied, or offered for sale, conveyance, lease, or occupancy without certification from the Planning Board that all the terms of the subdivision's approval have been complied with by the subdivider.

## **SECTION 14. DEFINITIONS**

**Accessory Dwelling Unit** - A self-contained dwelling unit within, attached to, or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and shall occupy no more than 25% of the total combined floor area of the principal structure and accessory structure excluding garages.

**Adequate** - Refer to Sufficient.

**Affordable Housing Development** - has the meaning established in Title 30-A, M.R.S.A. Section 4364(1), as amended, and the rules promulgated thereunder.

**Alteration** - A structural change, rearrangement, change of location, or addition to a building, or structure other than repairs and modification in building equipment whether horizontally or vertically, involving more than a 300 square foot increase in the overall floor space or bulk of the building or structure at any time or in total since the effective date of the Ordinance.

**Applicant** – Any person, firm, corporation, or other legal entity that submits a subdivision

application to the Planning Board for review and approval under this Ordinance. The applicant may be the owner of the land or a duly authorized agent acting on behalf of the owner.

**Application** – The complete written submission, including all required forms, fees, plans, supporting documentation, and other materials as required by this Ordinance, submitted to the Planning Board for review and action on a proposed subdivision.

**Building** - Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind.

**Commenced** - Means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation; nor does it include the installation of streets and/or walkways; nor does it include excavation or erection of temporary forms; nor does it include the installation of accessory buildings.

**Commercial** - Any business, housed in a permanent structure, engaging primarily in the sale of goods or services to the consumer for direct consumption and/or use and/or sale, excluding home occupations.

**Comprehensive Plan or Policy Statement** - Any part or element of the overall plan or policy for development of the municipality as defined in Title 30-A, M.R.S.A. Section 4301.

**Dwelling Unit** - Means any part of a structure which, through sale or lease, is intended for human habitation, including single family and multi-family housing, condominiums, time share units and apartments.

**Farmland** - A parcel consisting of 5 or more acres of land that is:

- A. Classified as prime farmland, unique farmland, or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or
- B. Used for the production of agricultural products as defined in Title 7, M.R.S.A. Section 152, Subsection 2.

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

**Freshwater wetland** - Freshwater swamps, marshes, bogs or similar areas which are:

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

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

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

**Industrial** - The assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

**Multi-Family Dwelling** - A building having three or more dwelling units.

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

**100 Year Flood** - The highest level of flood that, on the average, is likely to occur once every 100 years (that has a 1% chance of occurring in any year).

**Official Submittal Date** - The date upon which a complete application has been submitted to the Planning Board.

**Open Space** - As defined in Title 36, M.R.S.A. Section 1102, as any area of land, including state wildlife and management areas, sanctuaries and preserves designated as such in Title 12, M.R.S.A., the preservation or restriction of the use of which would conserve scenic resources, enhance public recreation opportunities, promote game management, or preserve wildlife.

**Persons** - Any person, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.

**Planning Board** - The Planning Board of the Town of Norridgewock, created under former Title 30 M.R.S.A., Section 4952.

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

**Principal structure** - Any building or structure in which the main use of the premises takes place.

**Re-subdivision** - Any change in the plan of an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

**Retail** - The sale of goods to the ultimate consumer for direct use and consumption and not for trade.

**Road** - A vehicular way over 500 feet in length or a vehicular way serving more than one principal structure or more than one lot upon which dwellings could be built.

**Shoreline Boundary** - That line where terrestrial vegetation and soil ends and aquatic vegetation or shore material ( e.g. ledge, rocks, stones, pebbles, sand, etc.) begins.

**Structure** - Anything constructed, erected, or placed except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground including, but not limited to buildings, mobile homes, recreational vehicles, piers, and floats.

**Subdivider** – Any person, firm, corporation, or other legal entity who undertakes the division of a tract or parcel of land into three or more lots within any five-year period, or who constructs or places dwelling units or structures as defined under “Subdivision” in this Ordinance. The Subdivider may be the owner or the authorized agent of the owner.

**Substantial Start** – The completion of physical improvements required by this Ordinance that clearly demonstrate the intent to complete the approved subdivision plan, including but limited to construction of roads, installation of utilities, or installation of required monumentation.

**Sufficient** - A condition, standard, or amount that fully meets or exceeds the minimum level necessary to ensure compliance with this Ordinance and to protect public health, safety, welfare, and the environment. A measure shall be considered sufficient only when it can be demonstrated, through clear plans, specifications, calculations, or other credible evidence, that it will reliably achieve the intended outcome under normal circumstances. When there is uncertainty about whether a proposal meets this threshold, the Planning Board may require the applicant to provide documentation or certification from a qualified professional licensed in the State of Maine, using accepted industry methods. The burden of proof shall rest with the applicant.

**Tract or parcel of land** - "Tract or parcel of land" means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

A True Attest Copy

Richard A. LaBelle  
Town Clerk