TOWN OF WALDO

SUBDIVISION ORDINANCE

ADOPTED & ENACTED

MARCH 18, 2006

(Replaces Town of Waldo Subdivision Ordinance adopted 3-11-89)

Sandra Smith Date Mar 18, 2006
Sandra Smith, Town Clerk
Town of Waldo

I attest a True copy
Sandra Smith
Mar 20, 06

Table of Contents

Article I Purposes 3

Article II Authority and Administration
- 2.1 Authority 6
- 2.2 Administration 6
- 2.3 Amendment 6

Article III Definitions 7

Article IV Administrative Procedure
- 4.1 Purpose 12
- 4.2 Agenda 12

Article V Pre-application
- 5.1 Procedure 13
- 5.2 Submission 13
- 5.3 Contour Interval and On-site Inspection 13
- 5.4 Rights Not Vested 13

Article VI Minor Subdivisions
- 6.1 General 14
- 6.2 Procedure 14
- 6.3 Submissions 14

Article VII Preliminary Plan for Major Subdivisions
- 7.1 Procedure 16
- 7.2 Submission 17

Article VIII Final Plan for Major Subdivisions
- 8.1 Procedure 20
- 8.2 Submissions 21
- 8.3 Final Approval and Filing 23

Article IX Revisions to Approved Plans
- 9.1 Procedure 25
- 9.2 Submissions 25
- 9.3 Scope of Review 25

Article X Enforcement
- 10.1 Inspection of Required Improvements 26
- 10.2 Violations and Enforcement 27

Article XI General Standards
- 11.1 Conformance with Comprehensive Plan 29
- 11.2 Retention of Open Spaces and Natural or Historic Features 29
- 11.3 Land Not Suitable for Development 30

11.4 Lots 30
11.5 Utilities 31
11.6 Required Improvements 32
11.7 Land features 32
11.8 Cluster Developments 32
11.9 Dedication and Maintenance of Common Open Space and Services 33
11.10 Construction in Flood Hazard Areas 34
11.11 Impact on Ground Water 34
11.12 Access Control and Traffic impacts 35

Article XII Street and Storm Drainage Design and Construction Standards
12.1 General Requirements 38
12.2 Street Design Standards 39
12.3 Street Construction Standards 41
12.4 Storm Water Management Design Standards 42
12.5 Storm Drainage Construction Standards 44
12.6 Additional Improvements and Requirements 45
12.7 Certification of Construction 45

Article XIII Performance Guarantee
13.1 Types of Guarantees 46
13.2 Contents of Guarantee 46
13.3 Escrow Account 46
13.4 Performance Bond 46
13.5 Letter of Credit 47
13.6 Conditional Agreement 47
13.7 Phasing of Development 47
13.8 Release of Guarantee 47
13.9 Default 47
13.10 Improvements Guaranteed 47

Article XIV Waivers 48

Article XV Appeals 49

Waldo Planning Board Subdivision Application Form 50

Article I – Purposes

The Purposes of this ordinance are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Waldo; to protect the environment; and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Waldo, Maine, the Planning Board shall consider the following criteria, and before granting approval shall make findings of fact that the provisions of this ordinance have been met, and that the proposed subdivision will meet the criteria of Title 30-A, M.R.S.A., section 4404, as amended. The subdivision:

1.1 Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of the soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resource rules and regulations;

1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;

1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be used;

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

1.5 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 located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

1.6 Will provide for adequate solid and sewage waste disposal; and will not cause an unreasonable burden on municipal services if they are utilized;

1.7 Will not cause an unreasonable burden on the ability of the Town of Waldo to dispose of solid waste and sewage if municipal services are to be utilized;

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

1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

1.10 The subdivision has adequate financial and technical capacity to meet the standards of this ordinance.

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

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983.

1.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

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

1.14 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.

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

1.16 The proposed subdivision will provide for adequate storm water management.

1.17 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, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

1.18 The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

1.19 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.

1.20 Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority 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. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. 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 municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. [For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, 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. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.]

Article II – Authority and Administration

2.1 Authority

A. These standards have been prepared in accordance with the provisions of Title 30-A, M.R.S.A., section 4403, as amended. This ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Waldo, Maine."

2.2 Administration

A. The Planning Board of the Town of Waldo, herein after called the Board, shall administer these standards.

B. The provisions of these standards shall pertain to all land proposed for subdivisions, as defined in Title 30-A, M.R.S.A., sections 4401 et seq., as amended, and shall also include condominiums, commercial or industrial structures, manufactured housing and mobile home parks within the boundaries of the Town of Waldo, consistent with applicable state statutes, including but not limited to Title 33, M.R.S.A., sections 1601 et seq. and Title 30-A, M.R.S.A., sections 4358 et seq.

C. The invalidity of any article or part thereof of this ordinance shall not be deemed to invalidate any of the remaining portions of this ordinance.

D. This ordinance, when adopted, shall supercede the previous subdivision and mobile home park ordinances.

2.3 Amendment

A. This ordinance or any part thereof may be amended by a majority of legal voters present and voting at a Town meeting. Any proposed amendment shall be presented for adoption a Town Meeting only upon petition by no less than ten (10) percent of the voters of the Town of Waldo, except that the Selectmen or Planning Board may propose amendments without petition.

Article III – Definitions

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

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the Building Code in return for the provision of permanent open space owned in common by lot/unit owners, the town, or a conservation organization.

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

Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of the municipality as defined in the Comprehensive Planning and Land Use Regulation Act (Title 30-A, M.R.S.A., sections 4311 et seq.).

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

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

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, sleeping, bathing and sanitary facilities; includes single family houses and the units in a duplex, apartment houses, multi-family dwellings and residential condominiums.

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

High Intensity Soil Survey: A map prepared by a certified soil scientist, identifying the soil types down to 1/8 acres or less, at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils and shall be accompanied by a log of each sample, identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

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

Normal High Water Mark of Inland Waters: That line on the shores or banks on non-tidal waters that is apparent because of the different character of the contiguous soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is the line where the vegetation changes from predominantly aquatic to predominantly

terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the flowing plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridgeberry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rock slides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated by the above method.

Industrial Park or Development: A subdivision in an area zoned exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provisions for common services for the users.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in sections 11.3.

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

Official Submitted Date: The date upon which the board issues a receipt indicating a complete application has been submitted.

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

Planned Unit Development: A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the lengths of the road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: The planning Board of the Town of Waldo, created under Title 30 M.R.S.A. 4964.

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

Recording Plan: A copy of the Final Plan which is recorded at the registry of deeds and which need not show information not relevant to the transfer of interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Re-subdivision: The division of an existing subdivision, or any change in the plan for an approved subdivision which affects the lot lines. Including land transactions by the subdivider not indicate on the approved plan.

Street: Public or private ways such as allies, avenues, boulevards, highways, roads and other rights-of-way, as well as areas on subdivisions plans designated as rights-of-way.

Street Classification:

- *Arterial Street*: A major thoroughfare which serves as a major traffic way for travel between and through Waldo.
- *Collector Street*: A street servicing at least fifteen lots or dwelling units or streets which serve as feeders to arterial streets and collectors of traffic from minor streets.
- *Industrial or Commercial Street*: Streets servicing industrial or commercial uses.
- *Subdivision Road Level II*: A street serving nine to fourteen lots or dwelling units.
- *Subdivision Road Level I*: A street serving three to eight lots or dwelling units.
- *Driveway*: A vehicular access way serving no more than two lots or dwelling units

Subdivision:

Consistent with Title 30-A, section 4401, "subdivision" means the division of a tract or parcel of land into three or more lots within any five-year period, which periods begins after September 22, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:
   (1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or
   (2) The division of the tract or parcel is otherwise exempt under this definition.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres must be counted as a lot, except: When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this definition.

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this definition.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this definition.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this definition, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this Title 30-A, sections 4403 et seq.

For the purposes of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite

sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

This definition is expanded to include condominiums, commercial or industrial structures and mobile home parks.

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

Subdivision, Minor: Any subdivision containing four lots or dwelling units or less and in which no street is proposed to be constructed.

Tract or Parcel of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, tidal waters where there is no flow at low tide, or a private road established by the abutting landowners.

Article IV – Administrative Procedure

4.1 Purpose. The Purpose of this article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

4.2 Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. 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 chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed and then only if a majority of the Board so votes.

4.3 The planning Board shall give notice of all applications by placing a notice in a paper having a circulation in the Town of Waldo and also by placing a notice at a location frequented by the residents of the Town in order that they may attend the meeting if desired.

Article V - Pre-application

5.1 Procedure

A. Applicant presentation and submission of sketch plans.
B. Question and answer period: Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
C. Scheduling of on-site inspection.

5.2 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 may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The sketch plan shall be accompanied by a copy of the portion of the USGS topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.

5.3 Contour Interval and On-Site Inspection: Within thirty days, the Board shall determine 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, and hold an on-site inspection of the property. The applicant shall place "flagging" at the center point of any proposed streets ant at the approximate intersections of the street centerlines and lot corners prior to the on-site inspection.

5.4 Rights Not Vested: The submittal or review of the pre-application sketch plan shall not be considered initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., section 302.

Article VI – Minor Subdivisions

6.1 General: The board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a minor subdivision comply with all or any of the submission requirements for a major subdivision.

6.2 Procedure:

A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a final plan at least fourteen days prior to a scheduled meeting of the Board. Failure to do so 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 approval for minor subdivision shall be accompanied by an application fee of one hundred twenty-five dollars ($125), payable by check to the Town of Waldo. An additional fee shall be required to cover the additional costs of advertising and postal notification for a public hearing.

C. The Board shall notify all owners of abutting property that an application for subdivision approval has been submitted to the Board.

D. The subdivider or his duly authorized representative shall attend the meeting of the Board to discuss the final plan.

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

F. The Board shall hold the hearing within thirty days of receipt of a complete application and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in Waldo at least two times, the date of the first publication to be at least seven days prior to the hearing.

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

6.3 Submissions:

A. The subdivision plan for a minor subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the registry of deeds, the other to be filed with the Town of Waldo, and three copies 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 may be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the borderlines on the left side for binding and a one-inch margin 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.

The application for approval of a minor subdivision shall include the following information:

1. Proposed name of the subdivision, or the identifying title, and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument to be set or found at each lot corner.
3. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights of way, or other encumbrances currently affecting the property.
4. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.
5. Indication of the type of sewage disposal to be used in the subdivision.
    a. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator, shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
6. Indication of the type of water supply system to be used by the subdivision.
    a. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or hydro geologist familiar with the area.
7. The date the plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider and individual or company who prepared the plan, and the names and last known mailing address of adjoining property owners. If the subdivider is not the owner of the property, evidence of the sub divider's right, title, or interest in the property.
8. If any portion of the subdivision is in any flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

Article VII – Preliminary plan for Major Subdivision

7.1 Procedure

A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a preliminary plan at least fourteen days prior to a scheduled meeting of the Board. Failure to do so 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 75 dollars per lot or dwelling unit, payable by check to the Town of Waldo. In addition, the applicant shall pay a fee of 75 dollars 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 shall be drawn down by 75 percent, the Board shall notify the applicant and require that an additional 75 dollars per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75 percent 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. An additional fee shall be required to cover the costs of advertising and postal notification.

C. The subdivider or his duly authorized representative shall attend the meeting of the Board to discuss the final plan.

D. The Board shall notify all owners of abutting property that an application for subdivision approval has been submitted to the Board.

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

F. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall hold a public hearing, and it shall hold the hearing within thirty days of receipt of a complete application and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in Waldo at least two times, the date of the first publication to be at least seven days prior to the hearing.

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

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

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

7.2 Submissions:

A. Location Map: The preliminary plan shall be accompanied by a location map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
   1. Existing subdivisions in the proximity of the proposed subdivision.
   2. Locations and names of existing and proposed streets.
   3. 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.

B. 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. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch, provided all the necessary detail can easily be read. In addition, one copy of the plan(s) reduced to a size of eight and one half by eleven inches or eleven by seventeen inches, and all accompanying information shall be mailed to each Board member not less than seven days prior to the meeting. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval:
   1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the tax assessor's map and lot numbers.
   2. Verification of right, title or interest in the property.
   3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be

located on the ground and marked by monuments. *The plan shall indicate the type of monument to be set or found at each lot corner.*

4. A copy of the deed from which the survey was based. 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 in the subdivision.
6. Contour lines at the interval specified by the Board showing elevations in relation to mean sea level.
7. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type and other essential existing physical features.
8. Indication of the type of sewage disposal to be used in the subdivision.
    a. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator, shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
9. Indication of the type of water supply system to be used by the subdivision.
10. The date the plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider and individual or company who prepared the plan.
11. The names and mailing address of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.
12. The location and size of existing and proposed 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 width and location of any streets or public improvements shown upon the official map and the comprehensive plan, if any, within the subdivision.
15. The proposed lot lines with approximate dimensions and lot areas.
16. All parcels of land proposed to be dedicated to public use and the condition of such dedication.
17. The location of any open space to be preserved and a description of proposed improvements and its management.
18. A plan for the disposal of surface drainage waters, prepared by a registered professional engineer.
19. A copy 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 Board may require the submittal of a high intensity soil survey or a report by a registered soil scientist or registered professional engineer experienced in geotechnics, indicating the suitability of the soil condition for those uses.

20. If any portion of the subdivision is in any flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
21. A hydrologic assessment, prepared in accordance with Section 11.12A by a certified geologist or registered professional engineer, experience in hydrology, when the subdivision is not served by pubic sewer and
    a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrological Data for Significant Sand and Gravel Aquifers" by the Maine Geological Survey, map number XXX. Or
    b. The subdivision has an average dwelling density of less than 1000 square feet per dwelling unit.
22. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at its peak hours.
23. 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 be based upon the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers and shall indicate the expected traffic, types of vehicles expected, effect upon the level of service on the street giving access to the site and the neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

Article VIII – Final Plan for Major Subdivision

8.1 Procedure

A. The subdivider shall, within six months after the approval of the preliminary plan, file with the Board an application for approval of the final plan at least seven days prior to a scheduled meeting of the Board. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may refuse without prejudice to act on the final plan and require resubmission of the preliminary plan. The final plan shall approximate the layout shown on the preliminary plan, plus any recommendations made by the Board.

B. All applications for final plan approval for major subdivisions shall be accompanied by an application fee of 75 dollars per lot or dwelling unit payable by check to the Town of Waldo. 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 appropriate:
   1. Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Stream and Rivers Act or if a wastewater discharge license is needed.
   2. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
   3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

D. The subdivider or his duly authorized representative shall attend the meeting of the Board to discuss the final plan.

E. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider.

F. A public hearing shall be held by the Board within thirty days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertise notice of the date, time and place of the hearing in a newspaper of general circulation in Waldo at least two times, the date of the first publication to be at least seven days prior to the hearing, and notice of the hearing shall be posted in at least two prominent places at least seven days prior to the hearing.

   When the subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the subdivider shall notify the clerks and the Planning Board of the adjacent municipality at least ten days prior to the hearing.

G. The Board shall notify the road commissioner, selectmen, school superintendent, police chief 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 hall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.

H. Before the Board grants approval of the final plan, the subdivider shall meet the performance guarantee requirements contained in Article XIII.

I. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan.

J. The Board, within thirty days from the public hearing, shall make findings of fact and conclusions relative to the standards contained in Title 30, M.R.S.A., section 4956, subsection 3 and in these regulations. If the Board finds that all the standards of the statute and these regulations have been met, they shall approve the final plan. If the Board finds that any of the standards of the statute or these regulations 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 may be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the borderlines on the left side for binding and a one-inch margin the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the registry of deeds, the other to be filed with the Town of Waldo, and eight copies of the plan shall be submitted. Plans and all accompanying information shall be mailed to the town clerk no less than 10 days prior to the meeting. 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, plus the tax assessor's map 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 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 to be set or found at each lot corner.

C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type 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 to be used by the subdivision.
   a. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
   b. 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 hydro geologist familiar with the area.

F. The date the plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider and individual or company who prepared the plan.

G. The location and size of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.

H. 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 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 length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

I. A soil erosion and sedimentation control plan, prepared by a registered professional engineer.

J. A plan for disposal of surface drainage waters, prepared by a registered professional engineer.

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

L. All parcels of land proposed to be dedicated to public use and the condition of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces are to be retained by the developer or lot owners and are to be maintained shall be submitted. If open space or other land is to be offered to the Town of Waldo, written evidence that the

municipal officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

M. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality or quasi-municipal districts. These lists shall include but not be limited to:

Schools, including busing
Street maintenance and snow removal
Police and fire protection
Solid waste disposal
Recreation facilities
Storm water drainage
Wastewater treatment
Water supply
The developer shall provide an estimate of the net increase in taxable assessed valuation at the complete of the construction of the subdivision.

N. If any portion of the subdivision is in any flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

8.3 Final Approval and Filing

A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions of a previously approved plan.

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

C. 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 shall 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 for the subdivision. If the superintendent of schools indicates that there is less than 20 percent excess classroom capacity

existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Board shall require the plan to be divided into sections to prevent classroom overcrowding.

D. No changes, erasures, modifications or revision 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 IX. The Board shall make findings that the revised plan meets the standards in Title 30-A, M.R.S.A., section 4404, as amended, and the standards in this ordinance. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to the have the plan stricken from the records of the 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 shall have be shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of Waldo to 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 aren.

F. Failure to commence substantial constriction 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 registry of deeds to that effect.

Article IX – Revisions to Approved Plans

9.1 Procedure

An applicant for a revision to a previously approved plan shall, at least fourteen 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, 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 provisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations.

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 X – Enforcement

10.1 Inspection of Required Improvements

A. At least five days prior to commencing each major phase of construction or required improvements, the subdivider or builder shall:
   1. Notify the code enforcement officer in writing of the time when he proposes 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 to assure the satisfactory completion of the improvements and utilities required by the Board.
   2. Deposit with the municipal officers a check for the amount of 2 percent of the estimated costs of the required improvements to pay for the costs of inspection.

B. If the inspecting official finds upon inspection of the improvements that any of the required improvements shave not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the municipal officers, Planning Board, and the subdivider or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

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

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 December 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 storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems that 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 monuments shown on the plan have been installed.

F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine

shall be submitted to the municipal offers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the serving utility shall certify in writing that they have been installed in a manner acceptable to the utility.

G. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Town of Waldo.

H. Any proposed town way submitted for acceptance by the applicant to the Town of Waldo as a town way must be approved by the voters of the town at a regular town meeting.

10.2 Violations and Enforcement

A. No plan of a division of land within the Town of Waldo which would constitute a subdivision shall be recorded in the registry of deeds until a final plan has been approved by the Board in accordance with these regulations.

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

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

D. Any person, firm, corporation, or other legal entity who conveys, offers, or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than 100 dollars and not more than 2500 dollars for each conveyance, offering, or agreement. The town of Waldo may institute proceedings to enjoin the violation of this section and may collect attorney's fees and court costs if it is the prevailing party.

E. No public utility, 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.

F. Development of a subdivision without board Approval shall be a violation of the law. Development includes grading or construction of roads, grading of lands or lots, or construction of buildings which require a final plan approval as provided in these regulations and recorded in the registry of deeds.

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

multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

H. The code enforcement officer of the Town of Waldo shall be responsible for the enforcement of the provision of this ordinance.

Article XI – General Standards

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances, the burden of proof shall be upon the applicant.

11.1 Conformance with comprehensive plan

All proposed subdivisions shall be in conformity with the comprehensive plan or policy statement of the Town of Waldo and with the provisions of all pertinent state and local codes and ordinances.

11.2 Retention of Open Spaces and Natural or Historic Features

A. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

B. The Board shall require the reservation of between five and ten percent of the area of the subdivision as open space, in order to provide for the recreational needs of the occupants of the subdivision or to maintain the scenic or natural beauty of the area. In determining the need for open space, the Board shall consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the needs identified in Waldo's comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision; the type of development and the demographic characteristics of the potential residents in the subdivision; and the density or lot sizes of the development.

C. Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended. Sites selected for primarily scenic or passive recreation purposes shall have such access, as the Board may deem suitable. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, et cetera, where necessary and appropriate.

D. Reserved land acceptable to the Board and subdivided may be dedicated to the Town of Waldo as a condition of approval.

E. The Board may require that the development plans 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, graded contours, streams and the preservation of scenic, historic or environmental significant areas.

F. If the proposed subdivision contains any identified historical or archeological sites or any areas identified in the comprehensive plan or by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas

shall be included in the open space and suitably protected by appropriate covenants and management plans.

11.3 Land Not Suitable for Development

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size law.

A. Land that is situated below the normal high water mark or any water body.

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

C. Land that is part of a right-of-way or easement, including utility easements.

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

11.4 Lots

A. All lots shall meet the minimum requirements of the Town of Waldo Land Use Ordinance.

B. Lots with multiple frontages shall be avoided whenever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

C. Whenever possible, side lot lines shall be perpendicular to the street.

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

E. If a lot on one side of stream, tidal water, road or 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.

F. 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 are prohibited.

G. Lots shall be numbered in such manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street and odd numbers to the opposite side. Where the proposed subdivision contains the extension of an existing street approved by the Board but not yet constructed, the lot

numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the postmaster and his comments considered by the Board.

11.5 Utilities

A. Underground utilities shall be installed prior to the installation of the final gravel base of the road.

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

11.6 Required Improvements

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

A. Monuments
   1. Stone 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.
   2. Stone monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
   3. Stone 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 holes 1 half inch deep shall locate the point or points described above.
   4. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation.

B. Water supply
   1. Water supply shall be by the use of the individual wells or a private water system.
      a. If a central water supply system is provided by the subdivider, the location and protection of the source and design, construction and operation of the system shall conform to the standards of the Maine Rules relating to drinking water (10-144 A C.M.R. 231).
      b. The subdivider shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to and maintenance of the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the subdivision will not permit their construction.

C. Sewage disposal

1. Private systems

a. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been indicated 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.

b. In no instance shall a disposal area be permitted on soils or on a lot that requires a new system variance from the subsurface wastewater disposal rules.

D. Surface drainage

The storm water management plan submitted in the accordance with section 12.4 shall be installed.

11.7 Land features

A. 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.

B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion and to minimize storm water runoff.

11.8 Cluster/Conservation Developments

A. Purpose

The purpose of these provisions is to promote flexibility in the design of housing subdivisions by allowing the Planning Board to approve buildable lots and/or dwelling unit configurations within subdivisions that are reduced in area and width below the minimum normally required by the subdivision ordinance in return for common open space. This shall not be construed as granting variances.

B. Basic requirements

1. All requirements and standards of these regulations, except those dealing with lot layout and dimensions, shall be met.
2. The minimum area of land in a cluster development shall be ten acres.
3. The plan shall indicate the location of all proposed roads, structures, parking areas, footpaths and common open space.
4. No building shall be constructed on soil types classified by the S.C.S. as being poorly or very poorly drained.

5. Where a cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
6. In cluster developments with individual lot sizes of less than 20,000 square feet, all dwelling units shall be connected to a common water supply and distribution system, either public or private.
7. In cluster developments with individual lot sizes of less than 20,000 square feet, all dwelling units shall be connected to a public sewer system or to a central collection and treatment system.
8. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes and natural drainage areas in accordance with an overall plan for site development and landscaping.
9. Overall lot density requirements, as specified in the Town of Waldo Land Use Ordinance, shall be maintained. Whenever lot sizes in cluster/conservation subdivisions are reduced below the minimum lot size, the amount of land by which it has been reduced will become part of the common land.
10. No proposed building lot or proposed dwelling unit shall have direct vehicular access onto a public road existing at the time of development, unless shared driveways are used.
11. Shore frontage shall not be reduced below the minimum normally required by the shoreland zoning ordinance.

11.9 Dedication and Maintenance of Common Open Space and Services

A. All common land, facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a homeowner's association, which has as its principal purpose the conservation or preservation of land in essentially its natural condition or by the municipality.

B. Further subdivision of the common land or its use for other than non-commercial recreation 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.

C. The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:
   1. Its shall not be used for future building lots; and
   2. A part or all of the common open space may be dedicated for acceptance by the Town of Waldo.

D. The bylaws of the proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to final plan approval.

E. Covenants for mandatory membership in the homeowners' association setting forth the owners' rights, interests and privileges in the

association and the common property shall be reviewed by the Board and included in the deed for each lot or dwelling.

F. The homeowners' association shall have the responsibility of maintaining the common property or facilities.

G. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of the common property and tax assessments.

H. 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.

11.10 Construction in Flood Hazard Area

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

11.11 Impact on Ground Water

A. When a hydrological assessment is submitted, the assessment shall contain at least the following information:
   1. A map showing the basic soil types.
   2. The depth to the water table at representative points throughout the subdivision.
   3. Drainage conditions throughout the subdivision.
   4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
   5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any well in the subdivision, at the subdivision boundaries, and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projection of the subdivision's impact on ground water phosphate concentrations shall also be provided.
   6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

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

C. No subdivision shall increase any contaminant concentration in the ground water to more than one half the primary drinking water standards. No subdivision shall increase any contaminant concentration in the ground water to more than the secondary drinking water standards.

D. 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.

E. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not raise the concentration of the parameters in questions to exceed 150 percent of the ambient concentration.

F. Subsurface wastewater 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 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.

11.12 Access Control and Traffic Impacts

A. General – provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision, to avoid traffic congestion on any street, and to provide safe and convenient circulation on public streets and within the subdivision. Note: For driveway or entrance access to state or state aid roads, a permit issued by Maine Department of Transportation is required (Title 23, M.R.S.A., sections 704 et seq., as amended). The applicant should obtain that permit before the subdivision application is reviewed and/or approved by the Town. Access and circulation shall also conform to the following standards and the design criteria below:

1. The vehicular access to the subdivision shall be arranged to avoid traffic use of existing local residential streets.
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.
3. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
4. Where topographic and other constraints allow, provision shall be made for circulation access connections to adjoining lots of similar existing or potential use:
    a. Where such access connection will facilitate fire protection services as approved by the fire chief; or
    b. When such access will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

B. 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 Article XII shall be met. Where there is a conflict between the standards in this section and the standards of Article XII, the stricter or more stringent shall apply.

1. General – access design shall be based on the estimated volume using the access classification defined below.
    a. Low volume access: Less than 25 vehicle trips per day.
    b. High Volume access: Anything above low volume access.
2. Site distances – accesses shall be designed in the profile and grading and located to provide the required site distances measured in each direction. Site 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 three and one half feet to the top of an object four and one half feet above the pavement.
    a. Two lane roads – a site distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.
3. Vertical alignment – accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume accesses shall slope upward or downward fro the gutter line on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium and high volume accesses should slope upward or downward from the gutter line on a straight slope of 2 percent or less for least 25 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.
4. Low volume accesses
    a. 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.
    b. Curb radius – the curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.
    c. Access width – the width of the access shall be between 12 feet and 16 feet, with a preferred width of 16 feet.
    d. Curb-cut width – curb-cut width shall be between 22 feet and 46 feet, with a preferred width of 36 feet.
5. High Volume accesses
    a. a. Skew angle – high volume accesses shall be either one – way or 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.
    b. Curb radius – the curb radii will vary depending if the access is one-way or two-way operation. One a two-way access the curb radius shall be between 25 and 40 feet with a preferred radius of 30 feet. On one-way accesses, the curb radius shall

be 30 feet for right turns into and out of the site with a 5-foot radius on the opposite curb.

c. Width – One a two-way access, the width shall be between 24 feet 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 feet, with a preferred width of 16 feet.

d. Curb-cut width – On a two –way access, the curb-cut width shall be between 74 feet and 110 feet, with 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.

Article XII – Street and Storm Drainage Design and Construction Standards

12.1 General Requirements

A. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems 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 Town of Waldo of any street or easement.

B. Subdividers 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 plans shall include the following information.

1. Date, scale and magnetic or true north point.
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. Locations of all existing and proposed overhead and underground utilities to include but not be limited to water, sewer, electricity, telephone, lighting and cable television.

C. Upon receipt of plans for a proposed public street, the Board shall forward one copy to the municipal officers and one copy to the road commissioner for review and comment. Plans for streets which are not proposed to be accepted by the Town of Waldo shall be sent to the municipal officers for review and comment.

D. Where the subdivider 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."

12.2 Street Design Standards

A. These design standards shall be met by all streets within subdivisions and shall control the roadway shoulder, drainage systems, culverts and other appurtenances.

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

C. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the Town of Waldo.

D. Any subdivision expected to generate average daily traffic of 150 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 guaranties have been filed and accepted. Any street with an average daily traffic of 150 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 guaranties have been filed and accepted.

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

Street Design Standards

Description	*Type of Street*					
	Arterial	*Collector*	*Subdivision Road Level II*	*Subdivision Road Level I*	Driveway	*Industrial/ Commercial*
Number of Lots Serviced	N/A	15 or more	9 to 14	3 to 8	1 to 2	N/A
Minimum Right-of-Way Width	80'	50'	50'	50'	50'	60'
Minimum Pavement Width	44'	24'	20'	18'	0	30'
Minimum Width of Shoulders (each side)	5'	3'	3'	3'	0	9'
Sidewalk Width	8'	5'	5'	N/A	N/A	8'
Minimum Grade	0.5%	0.5%	0.5%	0.5%	N/A	0.5%
Maximum Grade*	5%	6%	8%	8%	8%	5%
Minimum Centerline Radius						
-without superelevation	500'	280'	280'	175'	175'	400'
-with superelevation	350'	175'	175'	110'	110'	300'
Roadway Crown**	1/4"/ft	1/4"/ft	1/4"/ft.	***	***	1/4"/ft.

Minimum angle of street intersections****	90°	90°	75°	75°	75°	90°
Maximum grade within 75 ft. of intersection	3%	3%	3%	3%	3%	3%
Minimum curb radii at intersections	30'	25'	20'	N/A	N/A	30'*****
Minimum r/o/w radii at intersections	20'	10'	10'	10'	10'	20'

* 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 3/4 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.

F. The centerline of the roadway shall be the centerline of the right-of –way.

G. Dead-end streets – in addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turnaround with the following requirements for radii: property line: 65 feet; outer edge of pavement: 30 feet. Where the cul-de-sac is in a wooded area prior to the development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board may require the reservation of a 20-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The board may also require the reservation of a 50-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

H. Grades, Intersection and Sight Distances

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

Design Speed (mph)	20
Stopping Sight Distance (ft)	125

Stopping sight distances shall be calculated with a height of eye at 3.5 feet and the height of object at .5 feet.

3. Where new street intersections or driveway curb cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the

vehicle a minimum of 10 feet behind the curb line or edge of shoulder with the height of the eye three and a half feet from the top of an object four and a half feet above the pavement.

Posted Speed Limit (mph)	25	30	35
Sight distance (ft)	250	300	350

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 intersection. A minimum distance of 400 feet shall be maintained between centerlines of side streets

12.3 Street Construction Standards

A. Minimum Thickness of Material After Compaction

Street Materials	Minimum Requirements		
	Subdivision Road Level II	*Subdivision Road Level I*	*Industrial/ Commercial*
Aggregate Sub-base Course (max. sized stone 4")	18"	12"	18"
Crushed Aggregate Base Course	3"	3"	4"
Hot Bituminous Pavement			
Total Thickness	2.5"	2.5"	3"
Surface Course	1"	1"	1.25"
Base Course	1.5"	1.5"	1.75"

Driveways shall have a minimum of 12" thickness of sub-base course (max. sized stone 4".

B. Preparation

1. Before any clearing has started on the right of way, the centerline and side lines of the new road shall be staked or flagged at fifty-foot intervals
2. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush and other objectionable material. All ledge, large boulders and tree stumps shall be removed from the right-of-way.
3. All organic materials shall be removed to a depth of two feet below the sub-grade of the roadway. Rocks and boulders shall also be removed to a depth of two 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 feet below the sub-grade and replaced with material meeting the specifications for gravel aggregate sub-base below.
4. Except in 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 of no steeper than four feet vertical to one foot horizontal 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 Pavements

1. Bases

a. The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps of balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

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

b. The aggregate base course shall be sand of gravel of hard durable particles free from vegetative matter, lumps of balls of clay and other deleterious substances. The gradation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

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

2. Pavement Joints – where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
3. Curbs and gutters – curbs and gutters shall be installed within the urban compact area or within any areas designated in the capital improvement plan or comprehensive plans as areas of compact development.
4. Pavements
    a. Minimum standards for the base layer of pavement shall be the M.D.O.T. specifications for plant mix grade B with an aggregate size no more than 1-inch maximum.
    b. Minimum standards for the surface lawyer of pavement shall meet the M.D.O.T. specifications for plant mix grade C with an aggregate size no more than ¾ inch maximum.

A. Adequate provision shall be made for disposal of all storm water generated within the subdivision and any drained ground water through a management system of swales, culverts, under drains and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

1. Where a subdivision is traversed by a stream, river or surface water drainage way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This storm water management system shall be designed by a registered professional engineer.
2. Drainage easements for existing water courses or proposed drainage ways shall be provided at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
3. All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and the 25-year, 24-hour duration frequencies, based on rainfall data for Portland, Maine. When the subdivision discharges directly to a major water body, peak discharge may be increased from predevelopment levels, provided downstream drainage structures are suitably sized.
4. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be in a fine granular material, containing no stones larger than 3 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.

B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built, and shall include a surplus design capacity factor of 25 percent for potential increases in upstream runoff.

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

D. Catch basins shall be installed where necessary and located at the curb line.

E. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the town allowing maintenance and improvement to the system.

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

12.5 Storm Drainage Construction Standards

A. Materials

1. Reinforced concrete pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01-inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type, meeting ASTM designation C 443-70 or of an approved preformed plastic jointing material such as "Ramnek." Perforated concrete pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.
2. Corrugated metal pipe shall be bituminous coated, meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5 percent.
3. ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.
4. Corrugated plastic pipe shall conform to the requirements of AASHTO M 252.
5. Manholes shall be of pre-cast concrete truncated cone section construction, meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction, meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.
6. Catch basins shall be of pre-cast concrete truncated cone section construction, meeting the requirements of ASTM Designation C 467 or pre-cast concrete manhole block construction, meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron casting or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

C. Drain inlet alignment shall be straight in both vertical or horizontal alignment unless specific approval of a curvilinear drain is obtained in writing from the Board.

D. 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.

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

12.6 Additional Improvements and Requirements

A. Erosion Control – the procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and clean-up stages.

B. Cleanup – Following street construction, the developer or contractor shall conduct a through clean up of stumps and other debris from the entire street right-of-way. If onsite 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, sign and lighting – Streets that join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate or bear phonetic resemblance to the names of existing streets within the Town of Waldo, 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 reimburse the Town of Waldo for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Board.

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

Article XIII – Performance Guaranties

13.1 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 span of the construction schedule and the inflation rate of construction costs:

A. Either a certified check payable to the Town of Waldo, 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 or town manager;

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 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 town engineer, road commissioner, municipal officers and/or town 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, provision 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.

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

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

13.5 Letter of Credit: an irrevocable letter of credit form 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 subdivider to enter into a binding agreement with the Town of Waldo 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 regulations 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 pro-rated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the final plan which is recorded at the registry of deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 13.8.

113.7 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 town engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

13.9 Default: If upon inspection, the town engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the code enforcement officer, the municipal officers, the Board and the subdivider or builder. The municipal officers shall take any steps necessary to preserve the Town's right.

13.10 Improvements guaranteed: performance guarantees shall be tendered for all improvements required by Section 11.7 of these regulations, and for the construction of the streets.

Article XIV – Waivers

14.1 Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in this ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected; provided the waivers shall not have the effect of nullifying the intent and purpose of the official map, the comprehensive plan, or these ordinance standards; and provided the criteria of the State Subdivision Law are met.

14.2 Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to the 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 requirements of such improvements, subject to appropriate conditions.

14.3 In granting waivers to any of these regulations in accordance with Sections 14.1 and 14.2, the Board shall require such conditions as will assure the objectives of these regulations are met.

14.4 Waivers to be shown on the final plan – when the Board grants a waiver to any of the standards of these regulations, the final plan shall indicate the waivers granted and the date on which they were granted.

Article XV – Appeals

15.1 An aggrieved party may appeal any decision of the Board under this ordinance to Waldo County Superior Court, within thirty days of the date the Board issues a written order of its decision, in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Waldo Planning Board
Subdivision Application Form

APPLICANT INFORMATION

Name of Property Owner: _____

Address: _____

_____

Telephone: (___)_____-_____

Name of Applicant: _____

Address: _____

_____

Telephone: (___)_____-_____

Name of applicant's authorized agent: _____

Address: _____

_____

Telephone: (___)_____-_____

Name of Land Surveyor, Engineer, Architect or others preparing plan:

_____

_____

Address: _____

_____

Telephone: (___)_____-_____ Registration # _____

Person and Address to which all correspondence regarding this application should be sent:

_____

_____

_____

What legal interest does the applicant have in the property to be developed?

☐ ownership ☐ option ☐ purchase and sales contract ☐ other _____

What interest does the applicant have in any abutting property? _____

LAND INFORMATION

Location of Property (Street Location) _____

(from County Registry of Deeds): Book _____ Page _____

(from Tax Maps): Map _____ Lot(s) _____

Current land use of property: _____

Is any portion of the property within 250 feet of a great pond or river? ☐ Yes ☐

No

Is any portion of the property within the direct watershed of great pond? ☐ Yes

No

If yes, which great pond? _____

Total Acreage of Parcel: _____

Acreage to be developed: _____

Indicate the nature of any restrictive covenants to be placed in the deeds:

_____

_____

_____

Has this land been part of a prior approved subdivision? ☐ Yes ☐ No

Or other divisions within the past 5 years? ☐ Yes ☐ No

Identify existing use(s) of land (farmland, woodlot, etc.) _____

_____

Does the parcel include any waterbodies? ☐ Yes ☐ No

Does the parcel include any wetlands? ☐ Yes ☐ No

Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency? ☐ Yes ☐ No

List below the names and mailing addresses of abutting property owners and owners across the road:

Name	Address

GENERAL INFORMATION

Proposed name of development: _____

Number of lots or units: _____

Anticipated date for construction: _____

Anticipated date of completion: _____

Does this development propose the extension of public infrastructure? ☐ Yes ☐ No

☐ roads ☐ storm drainage ☐ sidewalks ☐ fire protection equipment

☐ other

Estimated cost for infrastructure improvements $ _____

Identify method of water supply to the proposed development:

☐ individual wells

☐ central well with distribution lines

☐ other, please state alternative _____

Identify method of sewage disposal to the proposed development:

☐ individual septic tanks

☐ central on site disposal with distribution lines

☐ other, please state alternative _____

Identify method of fire protection for the proposed development:

☐ dry hydrants located on an existing pond or water body

☐ existing fire pond

☐ other, please state alternative.

Does the applicant propose to dedicate to the public any streets, recreation or common lands?

street(s) ☐ Yes ☐ No Estimated Length _____

recreation area(s) ☐ Yes ☐ No Estimated Acreage _____

common land(s) ☐ Yes ☐ No Estimated Acreage _____

Does the applicant intend to request waivers of any of the subdivision submission

requirements?

☐ Yes ☐ No

If yes, list them and state reasons for the request.

To the best of my knowledge, all the above stated information submitted in this application is correct.

(signature of applicant) (date)