

# HOPE SUBDIVISION ORDINANCE

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## **HOPE SUBDIVISION ORDINANCE**

### **I. TITLE**

This ordinance shall be known and may be cited as the inches *Subdivision Ordinance of the Town of Hope, Maine*.

### **II. PURPOSE**

The purpose of this Ordinance is to assure the comfort, convenience, health, safety and welfare of the people, to protect the environment, and to promote the orderly development of an economically sound and stable community, To this end, in approving subdivisions within the Town, the Planning Board shall consider the following criteria. The burden of proof of which rests solely with the subdivider:

1. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land and its relation to floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect of effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulation.
2. Has sufficient water available for the reasonably foreseeable needs of the subdivision.
3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed.
6. Will provide for adequate sewage waste disposal.
7. Will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewage if municipal services are to be utilized.
8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.
9. Is in conformance with this subdivision ordinance and the Town's comprehensive plan.
10. The subdivider has adequate financial and technical capacity to meet these standards.
11. Whenever situated in whole or in part within 250 feet of any pond, lake, stream or wetland as defined by the Shoreland Zoning Ordinance, will not adversely affect the quality of such body or water or unreasonably affect the shoreline of such body of water or wetland.
12. Will not, alone or in conjunction with existing activities, adversely affect the quality of ground water.

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13. Will not unreasonably interfere with access to direct sunlight for solar energy systems.

### **III. AUTHORITY & ADMINISTRATION**

#### **A. Authority**

This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine, and in accordance with the provisions of Title 30 of Maine Revised Statutes Annotated, Section 4956.

#### **B. Administration**

The provisions of this Ordinance shall apply to all of the land proposed for subdivision as herein defined within the boundaries of the Town of Hope and shall be administered by the Town of Hope Planning Board.

### **IV. PREAPPLICATION PROCEDURE**

#### **A. Agenda Deadline**

At each stage of the process of subdivision review, an applicant shall request to be placed on the Planning Board's agenda at least fifteen (15) days prior to the regularly scheduled meeting at which he wishes to be heard. Submission requirements shall be accompanied by a completed application form as prescribed by the Planning Board and any required fee.

#### **B. Preapplication Meeting**

1. An applicant shall meet with the Planning Board prior to formal a submission of a subdivision plan to generally discuss the proposal and to obtain guidance in development of the plan.

2. The Planning Board at the preapplication conference shall schedule an on-site inspection of the tract or parcel to be subdivided. The on-site inspection shall be jointly attended by the applicant, or his duly authorized representative, and by at least one member of the Planning Board or an individual appointed by the chairman of the Planning Board to act as the Board's representative for such inspection.

3. Within fifteen (15) days of the preapplication meeting, the Planning Board shall notify the applicant in writing whether proposed subdivision is classified as minor or major. The Planning Board may include in its notification specific suggestions to be incorporated by the applicant in subsequent submissions.

#### **C. Submission Requirements for Preapplication Meeting**

A Sketch Plan shall be submitted to the Planning Board at the time of the preapplication meeting. The Sketch Plan may be a free-hand drawing and shall show:

1. The outline of the tract or parcel to be subdivided, with estimated dimensions.

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2. North arrow.
3. The proposed layout of lots, streets, and building locations.
4. Identification of general areas of steep slopes, wetlands, streams and floodplains.
5. Availability of community utilities.
6. Any existing deed restrictions.

### **V . APPLICATION PROCEDURE**

#### **A. Minor Subdivision--Final Plan**

1. The Planning 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 requirements specified for a major subdivision.

2. Within six (6) months after classification of a proposed subdivision as minor, the applicant shall submit an application for approval of a Final Plan. Failure to do so shall require a new preapplication conference.

3. All applications for Final Plan approval for minor subdivisions shall be accompanied by a fee of \$75.00 for three (3) lots or \$100 for four (4) lots payable by check to the Town of Hope, Maine, stating the specific purpose of the fee.

4. Upon receiving an application for approval of a Final Plan, including the required fee, the Planning Board or its designated representative shall issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Planning board shall notify the applicant in writing either that the application is a complete application in accordance with the submission requirements of Section V(B); or, if the application is incomplete, the specific additional material needed to make a complete application. Full evaluation of the Final Plan shall begin after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which this determination has been made.

5. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.

6. Within thirty (30) days of receipt of a completed application, or within such other time limit as may be mutually agreed to, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan. In issuing its decision, the Planning Board shall make findings of fact, in writing, that the proposed minor subdivision does or does not meet the criteria in Section II. Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign the original plan of the subdivision.

#### **B . Submission Requirements--Minor Subdivision**

A Final Plan shall be submitted to the Planning Board which shall consist of one original

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drawn on durable, Non-transparent transparency material and three copies of one or more maps or drawings, drawn to scale of not more than one hundred (100) feet to the inch. Where practical, the sheet size of the drawings shall be a standard 24 x 36 inches, with a space reserved for the signatures of a legal majority of the Planning Board and the date of approval following the words, "Approved: Town of Hope Planning Board, Pursuant to Title 30 M.R.S.A., Section 4956." The application for approval of a Minor Subdivision shall include all of the information on the Sketch Plan plus the following:

1. Proposed name of the subdivision or identifying title, the name of the Town, and the page and lot number of the tract or parcel of land to be subdivided as identified on the Assessor's tax maps.

2. The submission date, north arrow, graphic map scale, name and address of record owner and subdivider, and the name and address of the person under whose responsibility the subdivision was prepared.

3. Locations and owners' names of adjoining properties. The Planning Board may require applicant to notify abutters of the application.

4. Existing zoning designation of the tract or parcel to be subdivided, proposed uses of the land, and special exceptions and variances required, if any.

5. A copy of such covenants or deed restriction, if any, as are intended to cover all or part of the tract.

6. 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 as specified in Section VI (H), and shall be referenced on the Final Plan.

7. Location of and descriptive data for every lot and boundary line within the subdivision.

8. Location and size of any existing and proposed sewer and water mains, culverts and drains on the property to be subdivided.

9. Location and width of existing streets and rights-of-way within or abutting the proposed subdivision.

10. Identification of soils boundaries and names in the proposed subdivision based upon the USDA Soil Conservation Services National Cooperative Soil Classification.

11. At the discretion of the Planning Board contour lines at intervals of five (5) feet or at such intervals as the Board may require, based on United States Geological Survey datum.

12. If the proposed subdivision will be serviced by on-site sewage disposal systems, the location on each lot of test pits dug in accordance with the State Plumbing Code and a copy for each lot of the soils investigation report prepared by a site evaluator licensed by the Maine

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Department of Human Services.

13. If the proposed subdivision will be serviced by on-site water supply, information that will reasonably satisfy the Planning Board that each lot has the capacity to support a well meeting the standards and regulations of local and state agencies.

### **C. Major Subdivision--Preliminary Plan**

1. Within six (6) months after classification of a proposed subdivision as major, the applicant shall submit an application for approval of a Preliminary Plan. Failure to do shall require a new preapplication conference.

2. All applications for Preliminary Plan approval for major subdivisions shall be accompanied by a base fee of \$200 payable by check to the Town of Hope, Maine, stating the specific purpose of the fee. In addition, the Planning Board may set an amount to be added to the base fee paid by the subdivider, sufficient to enable the Board to secure outside technical assistance in reviewing the proposed subdivision, if, in the Board's sole discretion, such assistance will be required.

3. Upon receiving an application for approval of a Preliminary Plan, including the required base fee, the Planning Board or its duly authorized representative shall issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Planning Board shall notify the applicant in writing either that the application is a completed application in accordance with the submission requirements of Section V(D); or, if the application is incomplete, the specific additional material needed to make a complete application. Full evaluation of the Preliminary Plan shall begin after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which this determination has been made.

4. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.

5. A public hearing shall be held within thirty (30) days of receipt of a completed Preliminary Plan application. The Planning Board shall cause notice of the date, time, and place of such hearing to be given to the applicant and to be published in a newspaper of general circulation in Hope, at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

6. Within thirty (30) days after the public hearing, or within such other time limit as may be otherwise mutually agreed to, the Planning Board shall approve, approve with conditions, or disapprove the Preliminary Plan. In issuing its decision, the Planning Board shall state in writing, the conditions of such approval, if any, with respect to:

(a) The specific changes it will require in the Final Plan.

(b) The character and extent of the required improvements for which waivers may have been requested and to which in its opinion may be waived without jeopardy to the public health, safety and general welfare.

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(c) The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Plan.

7. The decision of the Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board, and one forwarded to the Board of Selectmen.

8. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. Prior to the approval of a Final Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information.

### **D. Submission Requirements--Major Subdivision Preliminary Plan**

#### **1. Location Map**

The Preliminary Plan shall be accompanied by a Location Map drawn to scale of not over four hundred (400) feet to the adjacent properties and to the general surrounding area. The map shall show all the area within five hundred (500) feet of any property line of the proposed subdivision. Within such area the Location Map shall show:

(a) Existing subdivisions and approximate lines of acreage parcels together with the name of the record owners of all adjacent parcels of land, directly abutting or directly across any street adjoining the proposed subdivision. The Planning Board may require applicant to notify abutters of the application.

(b) Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the the proposed subdivision and adjacent properties.

(c) The boundaries and designations for zoning districts.

(d) An outline of the proposed subdivision together with its probable access and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

#### **2. Preliminary Plan**

A Preliminary Plan shall be submitted in three (3) copies of one or more maps or drawings which may be printed or reproduced on paper drawn to a scale of not more than one hundred (100) feet to the inch. Where practical, the sheet size of the drawings shall be a standard 24 x 36 inches. The Preliminary Plan shall show the following information:

(a) Proposed subdivision name or identifying title, the name of the Town, and the page and lot number of the tract or parcel to be subdivided on the Assessor's tax maps.

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(b) The submission date, north arrow, graphic map scale, name and address of record and subdivider, and name and address of the person under whose responsibility the subdivision plan was prepared.

(c) Existing zoning designation, proposed uses of the land, and special exceptions and variances required, if any.

(d) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses and other essential existing physical features.

(e) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.

(1) Location, names, and present widths of existing streets, and rights-of-way within or adjacent to the proposed subdivision.

(g) Deed description and map of survey of tract boundary, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor, tied into established reference points.

(h) Contour lines at intervals of five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum.

(i) A soils report identifying the soils boundaries and names in the proposed subdivision based upon USDA Soil Conservation Services National Cooperative Soil Classification.

(j) The width, location, grades, and street profiles of all streets and public ways proposed by the subdivider.

(k) Typical cross sections of the proposed grading for roadways and sidewalks.

(1) Proposed lot lines with their dimensions. If the subdivision consists of principal buildings on the same lot, building locations shall be shown.

(m) If the proposed subdivision will use or connect to a centralized system of sewage collection, treatment, and discharge, a description and location of the collection and treatment facilities. The facilities shall be designed by a licensed civil engineer. They shall be approved, if applicable, by the Maine Department of Environmental Protection.

(n) If the proposed subdivision will be serviced by on-site sewage disposal systems, the location on each lot of all test pits dug in accordance with the state plumbing code and a copy for each lot of the soils investigation report prepared by a site evaluator licensed by the Maine Department of Human Services.

(o) If the proposed subdivision will be serviced by on-site water supply, data that will reasonably satisfy the Planning Board that each lot has the capacity to support a well meeting

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the minimum standards of state and local codes, certified by a civil engineer registered in the State of Maine.

(p) Provisions for collecting and discharging storm ~~drainage~~ <sup>drainage</sup> ~~in the form of a~~ drainage plan showing ditching, culverts, easements and other proposed improvements. At the discretion of the Planning Board, this plan may be required to include proposed grading of any or all lots.

(q) Provisions for controlling erosion and sedimentation.

(r) Identification of all parcels and facilities proposed to be dedicated for common use and/or public ownership and/or use, and the conditions of such dedications.

(s) The location of all natural features or site elements to be preserved.

(t) The location of temporary markers, if requested by the Planning Board, adequate to enable the Board to locate readily and appraise the basic layout in the field.

### **E. Major Subdivision--Final Plan**

i. Within six (6) months after approval of a Preliminary Plan, the applicant shall submit an application for approval of a Final Plan. If the Final Plan is not submitted to the Planning Board within this period, the Planning Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan.

2. All applications for Final Plan approval for major subdivisions shall be accompanied by a fee of \$25 per lot, living unit, or principal nonresidential building in excess of four (4) shown thereon, payable to the Town of Hope, Maine, stating the specific purpose of the fee.

3. No Final Plan of major subdivision shall be submitted to the Planning Board until the applicant has first secured in writing the following, if required:

(a) All necessary variances and special exceptions from the Hope Board of Appeals.

(b) Approval in writing of the proposed water supply system by:

(i) the Maine Department of Human Services if the subdivider proposes to provide a central water supply system; or

(ii) a civil engineer registered in the State of Maine if individual wells serving each building site are to be used.

The Planning Board may also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Human Services.

(c) Approval in writing of the proposed sanitary sewage disposal system by:

(i) the Maine Department of Human Services if waste water disposal systems within its jurisdiction of control are to be used; or

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(ii) the Maine Department of Environmental Protection if waste water is to be treated by a private system and discharged into any body of water.

(d) In addition to these approvals, if the proposed subdivision is reviewable by the Maine Department of Environmental Protection under the Site Location Act or the Alterations of Coastal Wetlands Act, or by the Maine Department of Inland Fisheries and Wildlife under the Alteration of Streams Act, the subdivider is encourage to obtain such reviews prior to submission of Final Plan to the Planning Board.

4. Upon receiving an application for approval of a Final Plan, including the required fee and the required approvals in paragraph 3 above, the Planning Board or its designated representative shall issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Planning Board shall notify the applicant in writing either that the application is a complete application in accordance with the submission requirements of Section V (F); or, if the application is incomplete, the specific additional material needed to make a complete application. Full evaluation of the Final Plan shall begin after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which this determination has been made.

5. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.

6. A public hearing shall be held within thirty days (30) days of receipt of a completed Final Plan application. The Planning Board shall cause notice of the date, time, and place of such hearing to be given to the applicant and to be published in a newspaper of general circulation in Hope, at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

7. Within thirty (30) days after the public hearing, or within such other time limit as may be mutually agreed to, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan. In issuing its decision, the Planning Board shall make findings of fact, in writing, that the proposed major subdivision does or does not meet the criteria listed in Section II. Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign the original plan of the subdivision.

### **F . Submission Requirements--Major Subdivision Final Plan**

A Final Plan shall be submitted to the Planning Board which shall consist of one original drawn on durable, permanent transparency material and three copies of one or more maps or drawings, drawn to the same scale and on the same size sheet as the Preliminary Plan, unless otherwise directed by the Planning Board. Space shall be reserved for the signatures of a legal majority of the Planning Board and the date of approval following the words, "Approved: Town of Hope Planning Board, Pursuant to Title 30 M.R.S.A. Section 4956." The application for Final Plan approval shall include the following:

1. All of the information presented on the Preliminary Plan and Location Map and any amendments thereto as required by the Planning Board.

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2. The name, registration number and seal Of the land surveyor, architect, engineer, or planning consultant who prepared the plan.
3. Street names and lines, pedestrian ways, lots, easements, open spaces, and other areas to be reserved for or dedicated to public use and/or ownership.
4. Sufficient data acceptable to the Road Commissioner to determine readily the location, bearing, length, and width of every street line, lot line, easement, and boundary line and to reproduce such lines upon the ground. Where practical, these should be tied to reference points previously established.
5. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract.
6. Construction drawings for streets, sanitary sewers, and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
7. Lots and blocks within the subdivision numbered in accordance with local practice.
8. Permanent monuments at all outside corners of the subdivision tract, as specified in Section VI(H), and referenced in the Final Plan.
9. A statement from the Fire Chief of the Town of Hope approving the access ways, streets, adequate turn-around areas, and any other subject of concern affecting the safety of firefighters and their equipment or the ability of the fire department to respond to fire calls in an efficient manner.
10. Written offers of cession, in a form certified as satisfactory by the Town Attorney, of all land included in the streets, highways, easement, parks, or other open space dedicated for the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.
11. Written approval from the Board of Appeals of appeals for variances or specified exceptions, if required, and any conditions imposed.
12. A performance bond or guarantee in a form and amount meeting the requirements of Section VIII(A) to secure the completion of all improvements required by the Planning Board, and written evidence that the Board of Selectmen has approved the bond or guarantee.

### **V I. GENERAL REQUIREMENTS**

In reviewing application for the subdivision of land, the Planning Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.

#### **A. Conformance with Comprehensive Plan**

Any proposed subdivision shall be in conformity with the Comprehensive Plan of Hope and with the provisions of all pertinent state and local ordinances.

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### **B. Preservation of Natural and Historic Features**

1. The Planning Board may require that a proposed subdivision include a landscape plan that will show the preservation of existing trees, stone walls, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.
2. The street and lot layout shall be adapted to the topography.
3. Extensive grading and filling shall be avoided as far as possible. Except for surplus topsoil from roads, parking areas, and building excavations, topsoil shall not be removed from the site.
4. Cutting of trees on the borders of the subdivision shall be avoided as far as possible to retain a natural wind buffer.
5. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board.
6. Land in the subdivision to be reserved as open space or natural area shall be so labeled, with the notation, "Open space not to be developed," on the Final Plan.

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

The Planning Board shall not approve for development such portions of any proposed subdivisions that:

1. Are located within the 100-year floodplain as identified by an authorized Federal or State agency, or when such identification is not available, are located on floodplain soils identified and described in the National Cooperative Standard Soil Survey, unless the applicant shows proof through the submission of material prepared by a registered land surveyor which show that the property in question lies at least two (2) feet above the 100-year floodplain (not including proposed filling).
2. Are located on filled or drained Great Ponds (natural body of water of 10 acres or more) or wetlands as defined in the Shoreland Ordinance (Hope).
3. Are located within a Resource Protection District.

### **D. Blocks**

In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic.

### **E. Lots**

1. Where a tract is subdivided into lots substantially larger than the minimum size

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required by the Land Use Ordinance, the Planning Board in its review may consider the potential effect of future resubdivision.

2. If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum lot size required, it may not be combined with a lot on the other side of the barrier to meet the minimum lot size for the purposes of on-site waste disposal.

3. Odd-shaped lots in which narrow strips are joined to other parcels to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall be no more than 3:1.

4. Any proposed subdivision shall be so designed that every lot has frontage upon a way, granting legal access, and so that no part of the tract is land-locked.

5. If the parcel being subdivided does not result in the creation of the maximum density allowed, any of the created lots may be further subdivided such that the maximum density as determined for the original subdivision is not exceeded, and that any further subdivision of a lot meets the minimum lot size, and conforms to all applicable setbacks, dimensional requirements, and codes. Any further subdivision of lots which were created and approved under this section must be submitted to the Planning Board for review and approval.

### **F. Easements for Natural Drainage Ways**

Easements for existing water courses or proposed drainage ways shall be provided through a right-of-way at least 30 feet wide, conforming substantially with the lines of existing drainage.

### **G. Utilities**

Utilities shall be installed underground except as otherwise approved by the Planning Board. They shall be installed in a timely manner during street construction to prevent re-excavation of the finished street.

### **H. Monuments**

1. Permanent markers shall be set at all corners and angle points of subdivision boundaries, and at all street intersections and points of curvature.

2. All other corners shall be marked with iron rod not less than 5/8 inch in diameter and 48 inches long.

### **I. Street Names and Signs**

1. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate or bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Planning Board.

2. Street name signs shall be furnished and installed by the subdivider, and shall be of a type and size that conform with local practice.

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### **J. Sidewalks and Curbs**

Sidewalks and curbs will be installed by the subdivider at the discretion of the Planning Board, and at such locations as the Board deems necessary. In making its determination, the Board shall consider but not be limited to the following: density of lots, number of multi-family units, and population. If required, the sidewalks will be constructed to the standards contained in Section VII of this ordinance.

### **K. Required Improvements**

All required improvements, such as streets, sidewalks, storm water drainage systems, and where appropriate, centralized water supply and sanitary sewage systems, shall be installed at the expense of the developer.

## **VII. DESIGN AND CONSTRUCTION STANDARDS**

### **A. Street Design and Construction Standards**

#### **1. Street Classifications**

##### **(a) Local Residential and Rural Streets**

Any street which affords direct access to homes and places of business and that does not generate significant amounts of traffic. The streets are always to be designed and constructed to discourage through traffic of any type.

##### **(b) Collector Street**

Any street that carries traffic between major arterial streets and local access streets, or directly to destinations, or to serve local traffic generators.

##### **(c) Arterial Streets** Major traffic routes connecting communities or

substantial portions of

communities.

#### **2. General Procedures for Acceptance of Streets and Ways**

(a) The Planning Board shall not approve any subdivision plan unless proposed street(s) are designed and constructed in accordance with all state and local ordinances. Final subdivision approval by the Planning Board shall not be deemed to constitute acceptance by the Town of any street, easement, or other open space.

(b) A street or way constructed on private lands by the owner(s) thereof and not dedicated for public travel prior to December 17, 1975, shall be laid out and accepted as a public street or way by the appropriate vote at Town Meeting only upon the following conditions:

(i) The owner(s) shall give the Town a deed to the property within the

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boundaries of the street at the time of the acceptance by the Town.

(ii) A plan of said street or way shall be recorded in the Knox County Registry of Deeds at the time of acceptance.

(iii) A petition for the laying out and acceptance of said street or way shall be submitted to the Town upon a form to be prescribed by the Town. Said petition shall be accompanied by an as-built plan, profile and cross-section of said street or way as follows:

A plan drawn when practical to a scale of 40 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches x 36 inches in size. Said plan shall show the north point, the location and ownership of all adjoining lots of land, passage ways, street lights and utility lines, boundary monuments, water ways, topography and natural drainage courses with contour at a not greater than 2-foot intervals, all angles, bearings and radii necessary for the plotting of said street and lots and their reproduction on the ground, the distance to the nearest established street or way, together with the stations of their side lines.

A profile of said street or way drawn to horizontal scale of 40 feet to 1 inch, and a vertical scale of 4 feet to 1 inch. Said profile shall show the profile of side lines and center line of said street or way and the proposed grades thereof. Any buildings abutting on said street or way shall be shown on said profile.

A cross-section of said street or way drawn to a horizontal scale of 5 feet to 1 inch and a vertical scale of 1 foot to 1 inch.

The location and size of the proposed water and/or sewer mains in accordance with this Ordinance.

The Board of Selectmen and/or Town Road Commissioner, or his designated representative, will review the constructed road and state in writing that it meets the Town specifications.

The developer will state in writing that he will plow and maintain the road until accepted by the Town.

The developer will appraise lot buyers in writing that the Board of Selectmen will not bring the road before the Town for acceptance until all standards have been met.

(c) The subdivider shall be liable for the full cost of all improvements, including all engineering work and setting of grade stakes.

### 3. Street Design Standards

(a) The design of streets shall be prepared by a professional engineer and shall provide for proper continuation of streets from adjacent development and for proper projection design shall encompass paved streets with such appurtenances, if required by the Planning Board, as curbs, esplanades, sidewalks, and storm drainage facilities, in accordance with the following standards:



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65 feet. No dead-end street within a Mobile Home Park shall exceed 1,000 feet in length.

(d) Driveways shall be designed to a grade and alignment that will provide for maximum safety and in a manner that will not interfere with drainage for a distance of 8 feet from the street not to exceed 1/4 inch per foot, nor interfere with public use of the street and/or street area. Where lots are accessible to less traveled side streets, efforts shall be made to design access to such side streets rather than to more heavily traveled ways. Where culverts are deemed necessary, they shall not be less than 15 inches in diameter and shall be a minimum of 24 feet in width.

(e) Street trees judged to be a hazard to vehicular traffic by the Planning Board shall be removed by the developer. No healthy tree three inches or larger in diameter shall be cut, trimmed, or removed beyond eight feet from the edge of the pavement without prior approval of the Planning Board. It is the policy of the Planning Board not to alter the natural environment of the terrain any more than necessary in the building of any road.

(f) "All roads in this subdivision shall remain private ways to be maintained (by the developer) (by the abutters) and shall not be accepted or maintained by the Town until such roads are brought into conformance with the Street Design and Construction Standards contained in these regulations."

If the requirement that streets and ways be paved is waived for designated private use, the street design standard for maximum grade shall be 8% instead of 10%.

(g) Any sewers and appurtenances, drains including house drains and catch basins which are to be built in the street or sidewalk, and all underground utilities, and their respective services, shall be constructed before any road material is placed. The sole exception shall be for house connections to serve lots where no construction has begun prior to the placing of such road material.

(h) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Planning Board.

4. Street Construction Standards

(a) Minimum thickness of materials after compaction shall be:

	<u>Minimum Requirements</u>			
Street Materials	Local Residential	and Rural	Collector	Arterial
Aggregate Sub-base Course (Max. sized stone - 4")	18"	18"	18"	
Crushed Aggregate Base Course (Max. sized stone - 2")	3,,	3"	3"	

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### Hot Bituminous Pavement

(after compaction)

Total thickness	3,,	3,,	3,,
Surface Course (1/2" stone)	1"	1"	1"
Base Course (3/4" stone)	2"	2"	2"

### (a) Bituminous Aggregate

Sub-base Course	8"	8"	8,t
Hot Bituminous Pavement Surface Course	2" -	2"	2"

### (b) Reinforced Portland Cement

Sand Base	6"	6"	6"
Portland Concrete Cement	4"	4"	4"

(b) Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush, and other objectionable materials. Organic materials shall be removed to a depth of two feet below the subgrade. Rock and boulders, when encountered, shall be scarified to subgrade.

(c) The subgrade shall be carefully shaped and thoroughly compacted before gravel is set in place. When a minimum length of 300 feet (or the entire length of the street if it is less than 300 feet long) has been excavated to subgrade and this subgrade properly prepared for gravel, the Road Commissioner or his designated representative shall be notified. His written approval of the subgrade must be obtained prior to the placing of gravel. Similarly, before any surface material is placed on the roadway and sidewalk areas, the work shall again be inspected and approved in writing by the Road Commissioner or his designated representative.

(d) When pavement placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical joint.

(e) Curbs shall be vertical except when sloped curbs are specifically allowed by the Planning Board.

(f) The bituminous concrete wearing surface shall consist of aggregate and bituminous material mixed in a central plant. There shall be a 2-inch thick binder course with 3/4-inch stones and a 1-inch thick surface course with 1/2-inch stones. Asphalt cement to be used in the asphaltic concrete shall be uniform in character, free from water and shall contain no mineral matter other than that naturally present. Aggregate shall consist of fine gravel and sand, disintegrated granite, or other similar granular materials. This bituminous mixture shall be spread, raked and rolled in an acceptable manner. Longitudinal and transverse joints shall be wall bonded and sealed. No asphalt shall be laid when the air is 50 degrees Fahrenheit and falling or during unfavorable weather conditions.

## **B . Storm Water Drainage Design and Construction Standards**

1. Adequate provision shall be made for disposal of all storm water collected in streets

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and areas tributary to the street system and underground water through a storm drainage system. To the extent possible, developers are encouraged to dispose of the storm water on the land at the site of the development, and to do so through the wise use of the natural features of the site.

(a) All natural drainage ways shall be preserved at their natural gradient and shall not be filled or interfaced with any way, except as approved by the Planning Board and the appropriate state agencies. If, in the judgment of the Planning Board, a natural drainage way needs to be reserved in the public interest, a storm drainage easement at least 30 feet wide shall be required and reserved as a public storm drainage easement dedicated so as to assure public maintenance.

(b) The design of storm drainage facilities shall ensure the acceptance and disposal of storm water runoff, based on a 10-year storm frequency, without damage to the street, to adjacent properties, or to downstream properties.

(c) The design of storm drainage systems shall be fully cognizant of upstream runoff which pass over or through the site to be developed. The system shall be designed to pass upstream flows from the land as fully developed, generated by a 10-year storm, without surcharging the system.

(d) The storm drainage system to serve a proposed subdivision shall be designed and installed in accordance with the plans and specifications prepared by a professional engineer.

### 2. Storm Water Drainage Construction Standards.

(a) The minimum pipe size of any storm drainage pipe shall be 12 inches in diameter except for driveway culverts and any other drainage pipes running both parallel and adjacent to any street or way which shall be a minimum of 15 inches in diameter.

(b) When drainage ditches are required to be constructed within the street rights-of-way, the ditch line shall be a distance of ten feet or more from the edge of pavement of an arterial street, and a distance of six feet or more from the edge of pavement of other streets. Ditch and remaining right-of-way shall be sodded from the edge of the shoulder to the right-of-way line.

(c) All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm erosion and shall be benched or terraced as required to provide for adequate stability.

(d) All manufactured sloped (edge of road and sides to ditch) shall have a slope not steeper than two feet horizontal to one foot vertical.

(e) Where necessary, outlets shall be terminated in an end wall of concrete construction, or shall be rip-rapped to prevent erosion, or other appropriate measures taken. Facilities for energy dissipation shall be provided where necessary.

## **C. Water Supply and Sewage Disposal System Standards**

### 1. Water Supply System Standards

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(a) Each lot shall provide for its own water supply needs through the use of drilled artesian wells.

(b) Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other ground water services.

(c) The subdivider may, at his own option, install a private central water supply system including fire hydrants, although it is doubtful such a system would be economically feasible. In the event this option is taken, the minimum permitted water main size shall be eight inches. Also, installation of private fire hydrants shall require that the subdivider secure in writing a statement from the Town Fire Chief that the system complies with fire fighting requirements, particularly regarding water capacity and equipment capability.

### 2. Sewage Disposal System Standards

(a) Each lot shall provide for its own sewage disposal needs through these of on-site systems designed by a licensed soil scientist, engineer, or other qualified person in full compliance with the Maine State Plumbing code.

(b) The subdivider may, at his own option, install a central sanitary sewage system, although it is doubtful such a system would be economically feasible. In the event this option is taken, all components of a sanitary sewer collection and treatment system shall be designed by a professional engineer registered in the State of Maine in full compliance with the standards and regulations of the Maine Department of Environmental Protection.

## **VIII. PERFORMANCE GUARANTEES A**

### **. Guarantee Required**

1. The Final Plan shall be accompanied by a performance guarantee, or, at the sole discretion of the Planning Board, a conditional agreement.

(a) A performance guarantee may be tendered in the form of a certified check payable to the Town of Hope or a faithful performance bond running to the Town of Hope and issued by a surety company acceptable to the Planning Board. The amount shall be 125% of the cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, utilities, and other improvements for public benefit or use specified in the final Plan. It shall be conditioned upon the completion of all such improvements within two years from the date of such check or bond issuance. In the case of a performance guarantee, building permits may be issued for construction within the subdivision prior to completion of required improvements, but the required improvements shall be completed and approved prior to issuance of any occupancy permits.

(b) A conditional agreement, if acceptable in lieu of a performance guarantee, shall be endorsed by the Planning Board of the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the Code Enforcement Officer for any

building or any portion of the development until the completion of all street grading, paving, storm drainage, utilities, and other improvements for public benefit or use specified in the Final Plan.

(c) At no time may any lot or parcel of land within a subdivision be dedicated as collateral or given to the Town as part of in lieu of a performance guarantee.

2. Completion of required improvement shall be determined by the Planning board to its satisfaction which shall receive written and signed certifications by the Board of Selectmen, Road Commissioner, Fire Chief, and, if necessary, at the expense of the subdivider, by a professional engineer registered in the State of Maine that all improvements assured by the performance guarantee with the Final Plan and all applicable codes and permanent bounds or monuments have been installed and are accurately in place in the locations designated in the Final Plan.

### **B . Release of Performance Guarantee**

The performance guarantee shall be released by the Planning Board upon the request of the subdivider only after:

1. The Board receives the above certifications of completion;
2. The subdivider has furnished the Town with an accurate record plan and profile (original drawn on durable, permanent transparency material) of all streets including drainage lines and appurtenances, sanitary sewage lines and appurtenances, water mains and appurtenances, and all other utilities as actually installed with sufficient ties for proper identification;
3. The subdivider has presented to the Board of Selectmen a petition for the laying out and acceptance as a town way of the dedicated streets in the subdivision or portion thereof for which release of the performance guarantee is sought.

### **I X . ENFORCEMENT A**

#### **. Prohibitions**

1. No plan of a subdivision within the Town which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the registry of deeds until a Final Plan has been approved by the Planning Board in accordance with all of the requirements, design standards and construction specifications set forth in the Ordinance, or until such approval has been entered upon the Final Plan by the Planning Board.

2. 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 Planning Board and recorded in the registry of deeds.

3. Any person, firm, corporation, or other legal entity which conveys, offers, or agrees to convey any land in a subdivision which has not been approved as required, shall be punished by a fine of not more than \$1,000 for each such conveyance, offering agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation

of this Section.

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4. 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 Planning Board.

5 Not only is making a subdivision without Planning board approval a violation of law, but also within such a subdivision is grading or construction or roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in this Ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Knox County Registry of Deeds.

### **B . Ineligible Applicant**

**No** plan may be approved by the Planning Board as long as the applicant, subdivider or principals of any such applicant or subdivider shall be in default or shall have failed to complete improvements on any previously approved plan in the Town. Such default or failure to complete shall constitute conclusive evidence of the inability of such applicant to comply with the terms of this Ordinance or to complete work required by a Final Plan.

### **C Amendments After Approval**

No changes, erasures, modifications or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Planning Board approves any modifications. A proposed amendment is not required to go through the complete review process as a new subdivision, unless, in the judgment of the Planning Board, the amendment is so substantial as to alter the character of the originally approved subdivision. In the event that an amended Final Plan is recorded without complying with this requirement, it shall be considered null and void and the Board shall institute proceedings to have the plan stricken from the records of the municipal officers and the registry of deeds and/or to enjoin any development attempted or commenced pursuant to said plan.

### **D. Filing and Completion Deadlines**

#### 1. Filing Deadline

Upon approval by the Planning Board of a Final Plan, and notation to that effect upon the plan, a copy of the signed and dated Final Plan shall be filed by the subdivider with the municipal officers. The Final Plan then shall be recorded in the Knox County Registry of Deeds. Any Final Plan not so filed or recorded by the subdivider within 90 days of the date upon which such plan is approved and signed by the Planning Board shall become null and void, unless the particular circumstances of said developer warrant the Planning Board granting an extension which shall not exceed an additional period of 90 days,

#### 2. Completion and Improvements

(a) The subdivider shall complete all improvements, including streets, sidewalks, storm water drainage systems, centralized water supply and sanitary sewage systems and

## **HOPE SUBDIVISION ORDINANCE**

monuments, as contained in the Final Plan, before any building within the confines of the subdivision receives an occupancy permit.

(b) All required improvements shall be completed no later than two years after approval of the Final Plan. The subdivider may request, in writing, no more than two extensions of this deadline, with each period of extension not to exceed six months.

### 3. Phasing of improvements.

(a) The Planning Board may approve plans to develop a major subdivision in separate and distinct phases, subject to a schedule of development mutually agreed upon by the Board and the subdivider and to any conditions the Board deems necessary in order to ensure the orderly development of the Final Plan. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision's street system which is covered by performance guarantees. The boundary lines of each phase shall be clearly shown on the Final Plan, and a separate signature block shall be provided for each phase. When development is phased, road construction shall commence from the public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to the first phase of development.

(b) In the event of a phased plan of development, each phase receiving final approval shall be duly recorded by the subdivider and required improvements shall at a minimum be completed within the deadlines set forth in this section.

## **X . VARIANCES AND WAIVERS**

1. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the comprehensive Plan, or the Land Use Ordinance.

2. Where the Planning Board finds that, due to special circumstances of particular plan, the provision of certain required improvements is not in the interest of public health, safety, and general welfare, or is inappropriate because of inadequate or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

3. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives so varied or modified.

## **X I . DEFINITIONS**

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

**Comprehensive Plan:** Any part of element of the overall plan for development of the Town as

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defined in Title 30 M.R.S.A. Section 4961.

Construction Drawings: Drawings showing location, profile, grades, size and type of drains, sewers, water mains, underground power and telephone ducts, pavements cross-section of streets, miscellaneous structures, drainage easements, and similar items.

Driveway: A private entrance from a street or right-of-way to a building or buildings on abutting grounds.

Final Subdivision Plan: The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for record with the municipal officers and the county registry of deeds.

Maximum Density: Applicable to all major subdivisions. The maximum number of lots that may be created from the parcel being subdivided, based on an average of three-acres per lot. When determining the maximum density, the areas of wetlands and waterbodies as defined by the Shoreland Zoning ordinance, are excluded from the total parcel size. No single lot shall be less than 60,00 square feet. In addition, each lot must meet all applicable setback requirements.

For example:

Size of Parcel being subdivided (excluding nonbuildable areas as defined above): 24 acres  
Maximum number of lots to be created: 24 divided by 3 = 8 lots

When the size of the lot being subdivided is not divisible by three, the total number of lots created will be rounded down.

Example:

Size of parcel being subdivided (excluding nonbuildable areas): 17 acres  
Maximum number of lots created: 17 divided by 3 = 5 lots

Official Submittal Date: The time or submission of a Preapplication Plan, Final Plan for Minor Subdivision shall be considered by the date of written acknowledgment by the Planning Board of the receipt of a completed application. Pursuant to Title 30 M.R.S.A. Section 4956, Subsection 2, the Planning Board, upon receipt of an application, shall issue a dated receipt. Within 30 days of this receipt, the Planning Board shall notify the applicant in writing, either that the application is a complete application, or if it is incomplete, shall specify the additional material needed to complete the application. The date of notification of a complete application shall constitute the official submittal date.

Person: An individual, firm, association, organization, partnership, trust, company or corporation.

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

Resubdivision: The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

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

**Street:** A public or private right-of-way providing for passage of pedestrians and vehicles.

**Subdivider:** Assessed owner or owners of land to be subdivided.

**Subdivider's Representative or Agent:** That person who has written authorization to act for the assessed owner or owners of land to be subdivided.

**Subdivision:** The division of a tract or parcel of land into three or more lots within any five-year period, whether accomplished by sale, lease, development, buildings, or otherwise, in accordance with Title 30, Section 4956 of Maine Revised Statutes Annotated, as the same may from time to time be amended. All subdivisions shall be classified as either minor or major, according to the following:

1. Minor Subdivision means a subdivision containing not more than four lots, or not more than four principal buildings on the same lot, and not otherwise qualifying for classification as a major subdivision.

2. Major Subdivision means the division of a tract or parcel of land into more than four lots; or any subdivision requiring the extension of a street or of municipal utilities, regardless of whether such extension is to be dedicated to municipal or private ownership; or any subdivision carried out for a nonresidential purpose; or any development that contains more than four principal buildings on the same lot.

**Tract or Parcel of Land:** All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream, or a private road established by the abutting land owner(s).

In addition to the definitions above, the definitions contained in the Hope Land Use Ordinance shall be considered a part of this Subdivision Ordinance as if fully incorporated herein.

Typographical errors shall in no way detract from the meaning and intent of this Ordinance as interpreted by the Planning Board nor may said errors be used as a defense by plaintiffs against the Town of Hope or its duly authorized representatives in challenging any part of this Ordinance.