

Note: The following text represents the current version of Chapter 94 Subdivision.

CITY OF BELFAST SUBDIVISION ORDINANCE

Adopted by Belfast City Council on January 22, 1991

Amendments Adopted by Belfast City Council on January 5, 1993

CHAPTER ONE AUTHORITY, DEFINITIONS, ADMINISTRATION, PRELIMINARY AND FINAL APPROVAL, REVISIONS AND ENFORCEMENT

Section I - Authority:

This ordinance is being adopted Pursuant to and consistent with Maine Revised Statutes Title 30A, Chapter II, Subchapter IV.

Section II - Purposes:

The purpose of this subdivision ordinance is to encourage the most appropriate use of land, provide for the orderly development of the City and protect and preserve the health, safety, and general welfare of the citizens of the City of Belfast including the future occupants of such subdivisions, whether residential, commercial, or industrial.

Section III - Definitions:

- 1. Densely developed area.** "Densely developed area", means any commercial, industrial, or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.
- 2. Dwelling unit.** "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.
- 3. Freshwater wetland.** "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas which are:
 - A.** Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
 - B.** Not considered part of a great pond, coastal wetland, river, stream or brook.

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

4. **Principal Structure.** "Principal structure" means any building or structure in which the main use of the premises takes place.
5. **Subdivision.** "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 23, 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 or division of a structure for commercial or industrial use 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 with 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 such tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whom ever 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 or for open space as defined in Title 36, Section 1102 for a period of at least 5 years prior to the 2nd dividing occurs; or
 2. The division of the tract or parcel is otherwise exempt under this section.
 - B. The dividing of a tract or parcel and the lot or lots so made, which dividing or lots when made are not subject to this regulation do not become subject to this regulation by the subsequent dividing of that tract or parcel of land or any portion of that tract of parcel. The Planning Board 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 shall not be counted as a lot except:
 1. When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, Section 435 of the shoreland zoning ordinance, for the City of Belfast.
 - D. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does

not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this section. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then that exempt division creates a lot or lots for the purpose 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 provision of this section 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 section, leased dwelling units are not subject to subdivision review if the Planning Board has determined that the units are otherwise subject to municipal review at least as stringent as that required under this section.
- 6. **New structure or structures.** "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this ordinance.
 - 7. **Tract or parcel of land.** "Tract or parcel of land" means all contiguous land in the same ownership, provided that lands located on opposite side of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.
 - 8. **Outstanding river segments.** (See 12 MRSA Section 402)
 - 9. **Wetland** as defined by U.S. Corp of Army Engineers, U.S. Environmental Protection Agency and Maine Department of Environmental Protection.

Section IV-Exceptions

This Ordinance does not apply to:

- 1. **Previously approved subdivision.** Proposed subdivisions approved by the planning board or the municipal officials before September 23, 1971 in accordance with the laws then in effect;
- 2. **Previously existing subdivisions.** Subdivision in actual existence on September 23, 1971 that did not require approval under prior law; or

- 3. Previously recorded subdivisions.** A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971.

Section V - Municipal Review & Regulation

This section governs municipal review of proposed subdivisions.

1. Municipal reviewing authority. The Planning Board shall review all requests for subdivision approval. On all matters concerning subdivision review, the Planning Board shall maintain a permanent record of all its meetings, proceedings and correspondence.

A. Joint Meetings. If any portion of a subdivision crosses municipal boundaries, the reviewing authorities from each municipality shall meet jointly to discuss the application.

2. Regulations: review procedure. The Planning Board may after a public hearing, adopt additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the Planning Board or superseded by ordinance change City Council action. The Planning Board shall give at least 7 days notice of this hearing.

A. These regulations provide for a two stage application review procedure.

1. Preliminary plan; and
2. Final Plan.

Each stage shall meet the time requirements of section 4 and 5.

3. Application. Notice: completed application. This section governs the procedure to be followed after receiving an application for a proposed subdivision.

A. When an application and application fee is received, the Code Enforcement Officer shall give a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision, and the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including a general description of the project.

B. Within 30 days after receiving an application, the Code Enforcement Officer shall notify the applicant in writing either that the application is a complete or, if the application is incomplete, indicate the specific additional material needed to complete the application.

C. After the Code Enforcement Officer has determined that a complete application has been filed, it shall notify the applicant and the Planning Board shall begin its full evaluation of the proposed subdivision. The applicant shall file 12 copies of all material to be submitted to the Planning Board for their review.

4. **Public hearing:** order. If the Planning Board decides to hold a public hearing on an application for subdivision approval, it shall hold the hearing within 30 days after the Code Enforcement Officer has determined that he has received a complete application. The municipal reviewing authority shall give notice of the date, time and place of the hearing:
 - A. To the applicant; and
 - B. Published, at least 2 times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing.

5. **Decision: time limits.** The Planning Board shall, within 30 days of a public hearing or, if no hearing is held within 60 days of determining it has received a complete application or within any other time limit that is otherwise mutually agreed to, issue an order:
 - A. Denying approval of the proposed subdivision;
 - B. Granting approval of the proposed subdivision; or
 - C. Granting approval upon terms and condition that it consider advisable to:
 1. Satisfy the criteria listed in Section VII.
 2. Satisfy any other regulations adopted by the reviewing authority; and
 3. Protect and preserve the public's health, safety and general welfare.

6. **Burden of proof; findings of fact.** In all instances, the burden of proof is upon the person proposing the subdivision. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the criteria described in Section VII.

Section VI - Submission for Preliminary Plan.

The applicant shall submit 12 copies of the preliminary plan and 12 copies of any material that is to be considered with this plan. The following are to be included with this plan.

1. Soil information on the property to be subdivided.
2. U.S. Geological contour map for the property to be subdivided.
3. Soil test information for each proposed lot, for sub-surface wastewater disposal system unless not required by the Board.
4. List of all abutters with mailing address.
5. A statement from the Water District as to availability of City Water, if City Water is to be used.

6. Copy of letter to M.S.A.D. 34 notifying them of the number of units in the proposed subdivision.
7. Letter from Sewerage Treatment Plant regarding "capacity" if City sewer is to be used.
8. Letter from Highway Supt, regarding availability of sewer lines to tie into, if applicable.
9. Copy of draft of Proposed Covenants and Restrictions to be placed upon the subdivision, if any. Copy of existing covenants, restrictions or easements on land to be subdivided.
10. Plan shall include:
 - a. Proposed lots.
 - b. Proposed lots are to be numbered and lot dimensions and area to be noted.
 - c. Name of subdivision, file# (which will be assigned when application is determined to be complete & fee has been paid).
 - d. Owner of subdivision.
 - e. Boundary survey, of the proposed subdivision and the parcel from which the subdivision is created if created by deed within two years prior to the application.
 - f. Location of existing structures
 - g. Location of any ponds, stream, wetlands, freshwater, wetland and flood hazard areas (if applicable).
 - h. Location of shoreland zone limit (if applicable.)
 - i. Map and lot number from Assessor's Tax Map.
 - j. Names of all abutters noted on the Plan.
 - k. Book and page number (Waldo County Registry of Deeds) of the property to be subdivided.
11. A copy of current deed and evidence of legal standing.
12. A letter from the tax office shall be submitted stating that all taxes on the parcel of land being subdivided have been paid. (*Amendment Adopted April 7, 1998, Council Order # 59*)

Section VII - Review Criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of land above sea level and its relation to the flood plains;
 - B. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - C. The slope of the land and its effect on effluents;
 - D. The availability of streams for disposal of effluents; and
 - E. The applicable state and local health and water resource rules and regulations.
2. **Sufficient water.** The proposed subdivision has sufficient water available for the reasonable foreseeable need of the subdivision.
 3. **Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.
 4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
 5. **Traffic.** The proposed subdivision will not create unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.
 6. **Sewage disposal.** The proposed subdivision will provide for adequate sewage.
 7. **Municipal solid waste and sewage disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste and sewage, if municipal services are to be utilized.
 8. **Aesthetic, cultural and natural values.** The proposed subdivision will not have an undue adverse effect of the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
 9. **Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans.
 10. **Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section.
 11. **Surface water; outstanding river segments.** Whenever situated entirely or

partially within the watershed of any pond or lake or within 250 feet of wetland, freshwater wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B1, the proposed subdivision will not adversely affect the quality of that 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 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 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 definition requirements of Section III of this Chapter.

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the 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 plot approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation.

14. Storm Water. The proposed subdivision will provide for adequate stormwater management.

15. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision shall be 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.

16. Freshwater wetlands. All freshwater wetlands/wetlands within 250 ft. of the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of these wetlands.

- 17. Spaghetti-lots.** Spaghetti lots as defined in 30-A MRSA Section 4404 (17) or subsequent amendment shall be prohibited. No lot in a subdivision may have a spaghetti lot unless the Planning Board shall specifically find there is a necessity to create said lot based upon historical lot orientation.
- 18.** The subdivision must comply with the general standards of Chapter Two through Five of the Subdivision Ordinance.

Section VIII - Final Plan.

Following notification from the Planning Board of its findings, the subdivider may proceed with the development of a final plan as outlined below and shall include any other specific information requested by the Planning Board. This final plan must be submitted within ninety (90) days after the Planning Board has granted preliminary approval and at least fourteen (14) days prior to a regular planning board meeting. The Planning Board may grant an extension of up to 90 days.

- 1.** The final plan submitted for review shall consist of 12 prints of the final plan with a scale of not less than 100 feet to the inch and contained on prints which are 24" x 36" and containing the following:
 - A.** Name of Subdivision.
 - B.** Name of City.
 - C.** Name of owner.
 - D.** Name of engineer and/or land surveyor with license number and seal of each.
 - E.** Map & lot number reference to Assessor's tax map and lot number.
 - F.** Book & page number from Waldo County Registry of Deeds of the property within the subdivision.
 - G.** Boundaries of entire tract from which the subdivision is or was part within 2 years next prior to filing the subdivision application.
 - H.** Name of abutting land owners.
 - I.** Scale
 - J.** Date
 - K.** Designation of true north or magnetic north.

- L. Lines, dimensions, area and designation of each proposed lot and any public or common area within the subdivision and those areas, title to which, is reserved by the subdivider.
 - M. Sufficient data to determine readily the location, bearing and length of every lot line, street & way line, boundary line and to reproduce such lines upon the ground. Where applicable, these should be referred to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority (e.g. a street).
 - N. Name, location, width, radius of curves of all proposed and existing highways, roads and streets. All dimensions shall be shown in feet and decimals of a foot.
 - O. Location of features, natural and man-made, affecting the subdivision, such as water bodies, streams, swamps, wooded areas, railroads, ditches, buildings, wetlands, freshwater wetlands, etc.
 - P. Location of utilities - water, sewer, electric, telephone, etc., with description of each.
 - Q. Any covenants or deed restrictions intended to cover all or part of the subdivision.
 - R. Permanent reference markers set at all corners and angle points of the boundaries of the original tract to be subdivided. All lot corner markers shall permanently located and shall be in compliance with Chapter One Section IX,E,2, of this ordinance.
 - S. List any Subdivision Restrictions.
 - T. Suitable space to record, on the plan, final approval by the Planning Board, with conditions if any, and the date of such approval as follows:
 - U. Road names require approval of City.
2. The final plan must be recorded by the applicant at the Waldo County Registry of Deeds within 30 days of final plan approval or prior to the sale of any lot.
 3. In addition to the 12 copies submitted the applicant shall bring the following copies for signature:
 - 2 mylars (1 for registry and 1 for City)
 - 4 paper prints (1 for Assessor, 1 Counter file, 1 Subdivision file and 1 for Registry).

Section IX - Enforcement

The municipality or the Code Enforcement Officer may institute proceedings to prosecute or enjoin a violation of this ordinance.

1. Sales or other conveyances. No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision which has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and recorded in the proper registry of deeds.
 - A. No registrar of deeds may record any subdivision plat or plan which has not been approved under this ordinance. Approval for the purpose of recording must appear in writing on the plat or plan. All subdivision plats and plans required by this ordinance must contain the name and address of the person under whose responsibility the subdivision plat or plan was prepared.
 - B. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any applicable subdivision approval standards, that fact shall be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds.
 1. In the case of an amendment, if no amended plan is to be recorded, a certificate shall be prepared in recordable form and recorded in the registry of deeds. This certificate shall:
 - a. Indicate the name of the current property owner;
 - b. Identify the property by reference to the last recorded deed in its chain of title; and
 - c. Indicate the fact that a variance, including any conditions on the variance, has been granted and the date of the granting.
 2. The variance is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or the variance is void.
 - C. No Code Enforcement Officer may issue any permit for a building or use within a land subdivision unless the subdivision has been approved under this ordinance and unless all conditions of the approval has been met.
 - D. Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, building upon or convey for consideration any land or dwelling unit in a subdivision which has not been approved under this ordinance shall be penalized in accordance with 30 A M.R.S.A. Section 4452, as from time to time amended or recodified.

E. Any person who after receiving approval from the Planning Board and recording the plan at the registry of deeds, constructs or develops the subdivision, or transfers any lot, in a manner other than depicted on the approved plans or amendments shall be penalized in accordance with 30 A M.R.S.A., as from time to time amended or recodified.

2. **Permanent marker required.** No person may sell or convey any land in an approved subdivision unless all permanent markers are set at each lot corner of the lot sold or conveyed. The term "permanent marker" includes but is not limited to, the following:

- A. A granite monument;
- B. A concrete monument;
- C. An iron pin
- D. A drill hole in ledge

3. **Utility installation.** No public utility, water district sanitary district or any utility company of any kind may install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

Section X - Revision to existing plat or plan

Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such application, the municipal reviewing authority shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of Section VII.

1. **Recording.** If a subdivision plat or plan is presented for recording to a register of deeds and that plat or plan is a revision or amendment to an existing plat or plan, the register shall:
 - A. Indicate on the index for the original plat or plan that it has been superseded by another plat or plan;
 - B. Reference the book and page or cabinet and sheet on which the new plat or plan is recorded; and
 - C. Ensure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan.

Section XI COST

Fee to be determined by the Belfast City Council.

CHAPTER TWO GENERAL STANDARDS

In reviewing applications for a subdivision, the Planning 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.

Section I. Conformance with Comprehensive Plan

All proposed subdivisions shall be in conformity with the Comprehensive Plan of the City of Belfast and with the provisions of all pertinent federal, state and local codes, ordinance, rules and/or regulations.

Section II. Land not Suitable for Development

The following shall not be included in the calculations of lot area for the purpose of meeting the requirements of the Minimum Lot Size Law.

1. Land which is situated below the normal high water mark of any water body.
2. Land which is located within 100 year frequency flood plains 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. See City of Belfast Flood Management Ordinance.
3. Land which is part of a right-of-way, or easement, including utility easements.
4. Land which has a water table within ten inches of the surface for a least three months of the year as identified by the County Soil Survey. The Board may use such lands in the lot area calculations if municipal sewage collection and treatment is provided and if the lot(s) are to be deed restricted to prohibit buildings with basements or require basement floor elevations one foot above the seasonal water table.
5. Land that has been created by filling or draining a pond or wetland.
6. Land meeting the definition of wetland or freshwater wetland as defined in this ordinance.

Section III Lots

1. All lots shall meet the minimum requirements of the Belfast Zoning Ordinance for the zoning district in which they are located. The lot configuration should be designed to allow maximum access to solar energy on building sites with suitable orientation.

2. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever practicable parking areas shall be laid out to coincide with building locations to maximize solar energy gain of the building.
3. Lots with multiple frontages shall be avoided wherever reasonably practical.
4. The subdivision of tracts into parcels with more than twice the required minimum for lot size be laid out in such a manner as either to provide for or preclude future re-subdivision.
5. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.
6. No re-subdivision of any lot in an approved subdivision or change in boundary of any lot in an approved subdivision shall be permitted without Planning Board approval.
7. If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water or road to meet the minimum lot size.
8. The ratio of lot length to width shall not be more than five to one. Flag lots and other odd shaped lots on which narrow strips are joined to other parcels in order to meet minimum lot size requirements or to defeat the intent of this ordinance are prohibited.

Section IV Electrical Utilities

Electrical Utilities must be noted on the plan and installed at the expense of the developer.

Section V Water Supply

1. When a subdivision is to be served by a public water system, the complete supply, including fire hydrants, shall be installed at the expense of the subdivider.
 - A. The subdivider shall provide a written statement from the Belfast Water District that adequate water for both domestic both domestic and fire fighting purposes can be provided without placing an undue burden on the source, facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvement necessary to serve the subdivision. The Planning Board may authorize the Belfast Water District Engineer to review and report on the water supply system submitted by the subdivider.
 - B. The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the Belfast Water District and the

Fire Chief.

- C. Fire hydrants shall be installed as determined by the Planning Board following consultation with the Fire Chief.
2. When the location of a subdivision does not allow for a financially reasonable connection to a public water supply system, the Board may allow the use of individual wells or a private community water system.
 - A. Dug wells shall be permitted only if it is demonstrated to be not feasible to develop other ground water sources, and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.
 - B. If a central water system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system and shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 ACME 231 as from time to time amended or recodified.
 - C. The subdivider may be required to 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.
 3. The Planning Board may authorize the Belfast Water District Engineer to review and report on the water supply system submitted by the subdivider.

Section VI Sewage Disposal

1. Public System

- A. A sanitary sewer system shall be installed at the expense of the subdivider when there is a public sanitary sewer line located within 1000 feet of the proposed subdivision at its nearest point. The applicant shall provide the Planning Board with a certificate from the Belfast Wastewater Treatment Plant Supervisor that there is currently sufficient capacity to service the subdivision as proposed. In addition, the applicant shall provide the Planning Board with a certificate from the Belfast Highway Department Superintendent, that in the opinion of the Belfast Highway Department, the collection and transmission facilities proposed to be constructed and utilized providing service to the subdivision, are adequate for the proposed division. Prior to obtaining the certification aforementioned, the applicant shall make certification as above provided, with construction plans showing installation of the sewer lines and all related facilities that will need to be installed to service the proposed subdivision. The submission shall initially be made to the Planning Board or to the Code Enforcement Officer. No certification

as above shall be considered by the Planning Board unless the certification has been made subsequent to review by the Plant Supervisor and Belfast Highway Department Supervisor of said plans.

- B. The Planning Board may have an independent engineer review and approve in writing the construction drawings for the sewage system. These plans shall also be subject to the review of the Supt. of the Highway Department.

2. Private System

- A. The developer shall submit evidence of soil suitability for sub-surface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Sub-surface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon. No subsurface wastewater disposal sewer system shall be permitted off the lot.
- B. In no instance shall a disposal area be permitted on soils or on a lot which requires a New System Variance from the Sub-surface Wastewater Disposal Rules.
- C. Separation distance between all wells and subdivision wastewater disposal system shall be a minimum of 100 feet.

Section VII Surface Drainage

The storm water management plan submitted in accordance with Chapter Three, Section IV shall be installed.

Section VIII Land Features

- 1. 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.
- 2. To prevent soil erosion in shoreline areas, tree cutting in the strip extending one hundred feet inland from any such areas or boundaries be limited in accordance with the following.
 - A. The Belfast Shoreline Zoning Ordinance and applicable Maine State Statutes.

Section IX Construction in Flood Hazard Areas.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including

the basement, two feet 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.

Section X Impact on Ground Water

1. When a hydrogeologic assessment is submitted or requested the assessment shall contain at least the following information.
 - A. A map showing the basic soils types.
 - B. The depth to the water table at representative points throughout the subdivision.
 - C. Drainage conditions throughout the subdivision.
 - D. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - E. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within watershed of a pond, projections of the subdivision's impact on found water phosphate concentrations shall also be provided.
 - F. A map showing the location of any existing sub-surface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

Section XI Access Control and Traffic Impacts

1. 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 streets and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.
 - A. The vehicular access to the subdivision shall be arranged to avoid traffic use of existing local residential streets.
 - B. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

- C. The street giving access to the subdivision and neighboring streets which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed subdivision. No subdivision shall increase the volume capacity ratio to any street above 0.9 nor reduce the street's Level of Service to "D" or below. (See Belfast Zoning Ordinance Appendix Guidelines for Traffic "A").
- D. Where necessary to safeguard hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, and traffic controls within public streets.
- E. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- F. Where topographic and other conditions allow, provision shall be made for circulation access connections to adjoining lots of similar existing or potential use:
 - a. when 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.

2. Subdivision Access Design for Subdivisions entering onto Arterial Streets.

When access to a subdivision is a street, the street design and construction standards of Chapter Three shall be met. Where there is a conflict between the standards in this section and the standards of chapter three the stricter or more stringent shall apply.

- A. General. Access design shall be based on the estimated volume using the access classification defined below. (Trips per day shall be determined on conjunction with trip generation rates for common land use categories. See Belfast Zoning ordinance Appendix "Guidelines for Traffic, Section A).
 - a. Low volume Access: Less than 25 vehicle trips per day.
 - b. Medium Volume: Any access that is not a low volume or high access.
 - c. High Volume: Peak hour volume of 400 vehicles or great
- B. Sight distances. Accesses shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall

be measured from the driver's seat of a vehicle standing on that portion of 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 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.

- a. Two Lane Roads. A sight distance of ten feet for each mile per hour of posted limit shall be maintained or provided.
- b. Four Lane Roads. The sight distance provided below are based on passenger cars existing from accesses onto four lane roads and are designed to enable exiting vehicles.
 1. Upon turning left or right to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than 10 miles per hour, and
 2. Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left. (See appendix "A")
 3. Vertical Alignment. Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume accesses shall slope upward or downward from 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 at least 25 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.
 4. Low Volume Access.
 - 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 6- degrees.
 - b. Curd 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 20 feet.
 - d. Curb-cut Width. Curb-cut width shall be between 22 feet and 35 feet, with a preferred width of 25 feet.
 5. Medium Volume Accesses.

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

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

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

d. Curb-Cut Width. On a two-way access the curb-cut width shall be 35 feet unless the curb-cut servicing the subdivision with the intention of the road to be taken over by the City, the curb-cut shall be determined by the Belfast City Council.

6. High Volume Accesses.

a. Skew Angle. High Volume Accesses 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. Without channelization islands for right turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

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

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

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

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

7. Special case Access. Special Case Accesses are one-way or two-way drives serving median or high volume uses with partial access right turn only permitted. These accesses are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed access. These accesses are usually located along the approaches to major signalized intersections where a raised median may be provided to protect left-turning vehicles and separate opposing traffic flows, such access shall be subject to acceptance of the Belfast City Council.

a. Perpendicular driveways.

(1) Curb Radii. Curb Radii shall be between 30 feet and 50 feet, with a preferred radius of 50 feet.

(2) Access Width. Access width shall be between 26 feet and 30 feet with a preferred width of 30 feet. On two-way accesses, a triangular channelization island shall be provided at the intersection with the street. On each side of the island the one-way drive shall be between 15 feet and 24 feet with a preferred width of 20 feet.

(3) Curb-Cut Widths. The total curb-cut width shall be between 86 feet and 130 feet with a preferred width of 130 feet.

(4) Channelization island. The channelization island on two-way accesses shall be raised and curbed. Corner radii shall be 2 feet.

b. Skewed Accesses.

(1) Skew Angle. The skew angle shall be between 45 degrees and 60 degrees, with a preferred angle of 45 degrees.

(2) Curb Radii. Curb Radii shall be between 30 feet and 50 feet on the obtuse side of the intersection, with a preferred radius of 30 feet. Curb radii shall be between 5 feet and 10 feet on the acute side of the intersection with a preferred radius of 5 feet.

(3) Access width. The width of the access shall be between 15 feet and 24 feet with a preferred width of 20 feet. When entering and exiting accesses meet, the width shall be between 24 feet and 30 feet, with a preferred width of 30 feet.

(4) Curb-cut width. The curb-cut width for each access shall be between 35 feet and 75 feet with a preferred width of 42 feet.

3. Access Location and Spacing.

- A. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed based upon access or minor street volume and intersection type. (See Appendix “B”)

Where the minimum standard for a full access drive cannot be met, only special case access shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared drive with an adjacent parcel is recommended.

- B. Access Spacing. Access and street intersections shall be separated from adjacent accesses, street property lines in the table, in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured from access point to tangency to the access point of tangency for spacing between accesses and from access point of tangency for spacing between accesses and from access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line.
See Appendix “C”.

4. Number of Accesses. The number of accesses onto a single street is controlled by the available sites frontage and the table. In addition, the following criteria shall limit the number of accesses independent of frontage length.

- A. No low volume traffic generator shall have more than one two-way access onto a single roadway.
- B. No medium or high volume traffic generator shall have more than two-way accesses or three accesses in total onto a single roadway.

5. Construction Materials/Paving

- A. All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.
- B. Paving requirement shall be determined by the Planning Board by taking into consideration:
 - a. traffic use
 - b. road length
 - c. sloped

- d. other factors deemed relevant in determining appropriate paving.

CHAPTER THREE STREET AND STORM DRAINAGE CONSTRUCTION STANDARDS

Section I General Requirements

1. The Planning Board shall not approve any subdivision unless proposed streets and storm water management systems are designed in accordance with the Belfast Zoning ordinance and/or the specifications contained in this ordinance. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the City of Belfast of any street or easement.
2. 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.
 - A. Date, scale, and magnetic or true north point.
 - B. Intersections of the proposed streets with existing streets.
 - C. Roadway and right-of-way limits, including edge of pavement, edge of shoulder, sidewalks and curbs.
 - D. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures, streets and their location with respect to the existing natural waterways and proposed drainage ways.
 - E. Complete curve data shall be indicated for all horizontal and vertical curves.
 - F. Turning radii at all intersections.
 - G. Centerline gradients.
 - H. Locations of all existing overhead and underground utilities to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
3. Where the subdivider proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Highway Superintendent or the Maine Department of Transportation, as appropriate.

4. 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 City.

Section II Street Design Standards

1. These design standards shall be met by all streets within subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
2. Streets shall be designed to discourage through traffic on minor streets within a residential subdivision.
3. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the City or State.
4. Any subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips or more, shall have at least two street connections leading to existing public streets, streets shown on an Official map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. See appendix “D” for design standards.
5. The centerline of the roadway shall be the centerline of the right-of-way.
6. Dean End Streets. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii. Property line: 65 feet; outer edge of pavement: 50 feet; inner edge of pavement: 30 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. When, because of design considerations dealing with traffic usage future possible expansions, esthetic or environmental considerations or other considerations of a significant nature, excluding costs of the developer, the Board determines that another type of turn around should be utilized, e.g. a “hammer head turn around”, instead of a cul-de-sac, then such turn around may be approved, if it otherwise protects the public health, safety and welfare

and is not contrary to the purposes of this ordinance. The Board may require the reservation of a twenty 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 fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.

7. Grades, Intersections, and Street Distances.

A. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

B. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed. See Appendix "E".

C. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table. Sight distance shall be measured from the drivers seat of a vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. See appendix "F". Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

D. Cross (four cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between centerlines of side streets.

8. Sidewalks. Sidewalks shall be installed within all subdivisions within urban compact area. Where installed, sidewalks shall meet these minimum requirements. See Amendment in back of Ordinance.

A. Bituminous Sidewalks.

- a. The crushed aggregate base course shall be no less than eight inches thick.
- b. The hot bituminous pavement surface course shall be no less than two inches after compaction.

B. Portland Cement Concrete Sidewalk.

- a. The sand base shall be no less than six inches thick.
- b. The Portland Cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

9. Granite, concrete or bituminous curbing shall be installed on a thoroughly compact gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.

Section III Street Construction Standards.

1. Minimum thickness of material after compaction. See Appendix "G".
2. Preparation.
 - A. Before any clearing has started on the right-of-way, the center line and the side lines of the new road shall be staked or flagged at fifty foot intervals.
 - B. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All tree stumps shall be removed from the right-of-way.
 - C. All organic materials shall be removed to a depth of two feet below the sub-grade of the roadway. On soils which have been identified by the City Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the sub-surface and replaced with materials meeting the specifications for gravel aggregate sub-base below.
 - D. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than four feet vertical to one foot horizontal is permitted.
 - E. 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.
3. Bases and Pavement. See Amendment in back of this Ordinance.
 - A. Bases.
 - a. The Aggregate Sub-base Course shall be gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances.
 - b. The Aggregate Base Course shall be gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The graduation of the part that passes a 3 inch square mesh sieve shall meet the

requirements set forth in Appendix "I". Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

- B. 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.
- C. Curbs and Gutters. Curbs and gutters shall be installed within the urban compact area, or within any areas designated in the Capital Improvements Plan or Comprehensive Plan as areas of compact development.
- D. Pavements. (when required by Planning Board)
 - 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 of no more than 1 inch maximum.
 - b. Minimum Standards for the surface layer of pavement shall meet M.D.O.T. specifications for plant mix grade C with an aggregate size no more than $\frac{3}{4}$ inch maximum.

Section IV Storm Water Management Design Standards.

1. 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, underdrains and storm drains. The storm water management system shall be designed to conduct storm water flows to existing water courses or storm drains.
 - A. Where a subdivision is traversed by a stream, river, or surface water drainageway, or where the Board feels that surface water run-off 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 stormwater management system shall be designed by a Registered Professional Engineer.
 - B. Drainage easements for existing water-courses or proposed drainage ways shall be provided at least thirty feet wide, conforming with the lines of existing natural drainage.
 - C. All components of the storm management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and the 50-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.

- D. 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 bedded 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.
2. The storm management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream run-off.
3. 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.
4. Catch basins shall be installed where necessary and located at the curb line.
5. 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 City allowing maintenance and improvement of the system.
6. Where soils require a sub-surface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

Section V. Storm Drainage Construction Standards.

1. Materials

- A. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM designed 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-70, or of an approved performed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO for the appropriate diameters.
- B. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation C-428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber sealed type meeting ASTM Designation D-1869-63, or of an approved performed plastic sleeve type.

- C. Corrugated Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation 190 Type C for iron or steel pipe of AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type bituminous coating. Pipe gauge shall be as required to meet the soils and traffic loads with a deflection of not more than 5%.
- D. ABS Pipe. 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.
- E. Corrugated Plastic Pipe. Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.
- F. Manholes. Manholes shall be of precast truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast 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 casting, AASHTO M 105, Class 30 for gray iron castings or AASHTO m 183 (ASTM A283, Grade B or better) for structural steel.
- G. Catch Basins. Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C139, 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 28 day strength concrete or may be of precast concrete, placed in a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed with and with tops shall conform to the requirements of AASHTO m 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

2. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.
3. 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.
4. 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.

Section VI Additional Improvements and Requirements

1. Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
2. 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 on site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized and seeded.
3. Street Names, Signs and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing street within the Municipality, and shall be subject to the approval of the Board. No street names shall be the common given name of a person. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Board.

Section VII Certification of Construction. “As built” plans shall be submitted to the Code Enforcement Officer. Upon completion of street construction a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the code enforcement officer at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of this ordinance.

CHAPTER FOUR

PERFORMANCE GUARANTEES

Section I. 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 for construction costs.

1. Either a certified check payable to the City or a savings account or certificate of deposit naming the City as owner, for the establishment of an escrow account.
2. A performance bond payable to the city issued by a surety company, approved by the City manager and City Attorney.
3. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the City may draw if construction is inadequate, or incomplete. This letter shall be in a form satisfactory to the City Attorney.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the City engineer, Highway Superintendent, Code Enforcer, and/ or city Attorney.

Section II. 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 City. The bond documents shall specifically reference the subdivision for which approval is sought.

Section III. Release of guarantee. Prior to the release of any part of the performance guarantee, the Code Enforcement Officer shall determine to his satisfaction, in part upon the report of the city 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.

Section IV. Default. It, upon inspection, the city engineer of the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall so report in writing to the Municipal officers, the Board and the subdivider or builder. The Municipal Officers or Code Enforcement officer shall take any steps necessary to preserve the City's rights upon default under this chapter.

CHAPTER FIVE

WAIVERS

Section I. Where 4/5 of the voting members of the Board present 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 requirement or the standards unless otherwise indicated in the regulations, to permit a more practical and economical development, provided the public health, safety, and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the Official map, the Comprehensive Plan, the Zoning ordinance, or this ordinance and provided the criteria is of the State Subdivision Law are met.

Section II. Where 4/5 of the voting member present makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.

Section III. In granting waivers to any provisions of this ordinance, the Board shall require such conditions as will assure the objectives of this ordinance are met.

Section IV. Waivers to be shown on final Plan. When Board grants a waiver to any of the standards of this ordinance, the final Plan shall indicate the waivers granted and the date on which they were granted.

APPENDIX A

<u>Operating Speed (mph)</u>	<u>Safe Sight Distance Left (ft)</u>	<u>Safe Sight Distance Right (ft)</u>
20	130	130
30	220	260
40	380	440
50	620	700

APPENDIX B
MINIMUM STANDARDS FOR CORNER CLEARANCE

<u>Access Type</u>	<u>Minimum Corner Clearance (feet)</u>	
	<u>Intersection Signalized</u>	<u>Intersection Unsignalized</u>
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250
Special Case		
Right turn in only	50	50
Right turn out only	100	50
Right turn in or out only	100	50

Where the minimum standard for a full access drive cannot be met, only a special case access shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

APPENDIX C
MINIMUM ACCESS SPACING

Access Type	Minimum Spacing to Property Line (DPL) 1 (feet)	Minimum Spacing to Adjacent Access by Access Type (2) DSP (3)				
		Low (feet)	Medium (feet)	High w/o RT* (feet)	High w/RT** (feet)	Special Case (feet)
Low volume	5	***				
Medium Volume	10	-	75			
High Volume (w/o RT)*	75	-	75	150		
High Volume (w/RT)**	75	-	75	250	500	
Special Case	10	-	75	75	75	40****

1) Dpl measured from point of tangency of access to projection of property line on roadway edge.

2) For two more accesses serving a single parcel, or from a proposed access from an existing access .

3 Dpl measured from point of tangency of access to point of tangency of adjacent access.

* High volume access without right turn channelization

** High Volume access with right turn channelization

*** Low volume accesses are not permitted in combination with other access types on a single lot

**** Right turn-in-only upstream of right-out-only. Right-turn-out followed by right-turn-in not allowed.

APPENDIX D

<u>Description</u>	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>	Private
				<u>Right of Way</u>
Minimum Right of Way Width	80	50	50	50
Minimum Pavement Width	44	24	22	20
Sidewalk Width	8	5	5	n/a
Minimum Grade	.5%	.5%	.5%	n/a
Maximum Grade*	5%	6%	8%	10%
Minimum Centerline Radius	500	230	150	n/a
Minimum Tangent between Curves of reverse alignment	200	100	50	n/a
Roadway Crown	¼ ft	¼ ft	¼ ft	n/a
Minimum angle of street intersections**	90	90	75	75
Maximum grade within 75ft of intersection	2%	2%	2%	n/a
Minimum curb radii at intersections	30	20	15	n/a
Minimum r/o/w radii at intersections	20	10	10	10
Minimum width of shoulders (each side)	5	3	3	3
	<u>Industrial/ Commercial</u>			
	60			
	30			
	8			
	5%			
	5%			
	400			
	200			
	¼ ft			
	2%			
	30***			
	20			
	9			

* Maximum grade may be exceeded for a length of 100 feet or less.

** Street intersection angles shall be as close to 90 degrees as feasible but no less than the listed angle.

*** Should be based on turning radii of expected commercial vehicles, but no less than 30 feet

APPENDIX E

Design speed (mph)	20	25	30	35
Stopping speed Distance (ft)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3.5 feet and the height of object at 0.5 feet.

APPENDIX F

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

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

APPENDIX G

<u>Street materials</u>	<u>Minimum Requirements</u>				
	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>	<u>Private Right of Way</u>	<u>Industrial/ Commercial</u>
Aggregate Sub-base Course (max. sized stone 4")	18"	18"	18"	12"	18"
Crushed Aggregate Base Course	4"	3"	3"	3"	4"
Hot Bituminous Pavement					
Total Thickness	3 ¼"	2 ½"	2 ½"	2 ½"	3"
Surface Course	1 ½"	1"	1"	1"	1 ¼"
Base Course	1 ¾"	1 ½"	1 ½"	1 ½"	3 ¾"

APPENDIX H

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

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