

Town of Dover-Foxcroft

Subdivision Ordinance

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TOWN OF DOVER-FOXCROFT SUBDIVISION ORDINANCE

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SECTION 1 - AUTHORITY AND PURPOSE

Pursuant to the authority vested in Dover-Foxcroft Planning Board and in accordance with the provisions in Title 30A of the Maine Revised Statutes, Section 4403, is authorized and empowered to approve subdivisions in the Town of Dover-Foxcroft.

SECTION 2 - TITLE

These regulations shall be known and cited as the Subdivision Regulations of the Town of Dover-Foxcroft, Maine.

SECTION 3 - DEFINITIONS

Board means the Planning Board of the Town of Dover-Foxcroft, Maine

CEO means the Code Enforcement Officer for the Town of Dover-Foxcroft.

Conservation Subdivision means a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent conserved open space.

Density Bonus is an increase in the maximum allowable development on the land in exchange for helping the Town to achieve public policy goals. Increasing development density may allow for increases in developed square footage or increases in the number of developed units.

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

Easement means an acquired privilege or right of use which one party may have in the land of another.

Engineer means the duly designated registered professional engineer of the subdivider.

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 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.

Lot means a parcel of land capable of being occupied by one principal structure and its accessories, or used for one particular purpose and designated as such on a plat.

Minor Subdivision means a subdivision of four lots or less with no roads or other major improvements and not located within 100' of a lake, pond, or river.

Major Subdivision means all other subdivisions.

Plat means a map, plan, drawing, or chart on which a subdivision of land is shown. **Final Plat** means the final map plan, drawing or chart on which the subdivider's plan or subdivision is presented to the Board for approval and which, if approved will be submitted to the Registry of Deeds of Piscataquis County for recording.

Principal Structure means any building or structure in which the main use of the premises takes place.

Right of Way shall mean a strip of land used or intended to be used for a street, cross walk, water main, sanitary or storm sewer main, or for other special use including public use. The usage of the term "right of way" for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a record plat is to be separate and distinct from the lots and parcels adjoining such right of way, and not to be included within the dimensions or areas of such other lots or parcels.

Selectmen means the Selectmen of the Town of Dover-Foxcroft.

Setback means the distance between a legal boundary (right of way, lot line, or property line) and any part of the building.

Street relates to and includes street, avenue, boulevard, road, alley, highway or other way, including all the land between the sidelines of the layout or conveyance of dedication therefore, but shall not include driveways serving not more than two adjacent lots.

Subdivider means the registered owner(s) or the authorized agent of the registered owner(s) of a subdivision.

Subdivision means the division of a tract or parcel of land into three (3) or more lots within any five-year period, which begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, developments, buildings, or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period, the construction or placement of three (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 three or more dwelling units within a five-year period.

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

- B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
- C. A lot of 40 or more acres shall be counted as a lot solely for the purpose of determining whether a subdivision is created. Subdivision submission requirements shall not apply to a residual lot of 40 or more acres.
- D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
- D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
- D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
- D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor," means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than half the assessed value of the real estate.
- D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
- D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.
- E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.
- F. In determining the number of dwelling units in a structure the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

- G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.
- H. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:
 - 1. Expands the definition of “subdivision” to include the division of a structure for commercial or industrial use; or
 - 2. Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of a subdivision except as provided in this subchapter. A municipality that has a definition of “subdivision” that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph is not a recording in the books of records at the registry of deeds; it is a posting for public availability as tax maps are held and made available for public inspection.

- I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person’s successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

Tract or Parcel of Land means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

Outstanding River Segments is in accordance with Title 12, Section 402, “outstanding river segments” in Dover-Foxcroft means the Piscataquis River from the Penobscot River to the Monson and the Blanchard Plantation town line.

SECTION 4 - ADMINISTRATION

4.1 Reviewing Authority.

All requests for subdivision approval shall be reviewed by the municipal planning board. On all matters concerning subdivision review, the Planning Board shall maintain a permanent record of all its meeting, proceedings and correspondence.

4.2 Joint Meetings.

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

4.3 Regulations.

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 municipal legislative body. The Planning Board shall give at least seven (7) days notice of such a hearing. The Board shall transmit any changes to the Piscataquis County Registry of Deeds.

The Dover-Foxcroft Subdivision Regulations provide for a multi-stage review procedure consisting of the following three stages:

1. Sketch plan;
2. Preliminary plan;
3. Final plan

Each stage must meet the time requirements of Subsection 4.4 and 4.5.

4.4 Procedure.

The CEO shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared at least one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda. Applicants shall request to be placed on the Board's agenda at least ten (10) days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer. Applicants who are not on the Board's agenda may be heard but only after all agenda items have been completed and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

4.5 Subdivision Review Fee.

All applications for subdivision review shall be accompanied with the appropriate fee as determined from the fee schedule adopted by the Board of Selectmen on July 17, 1989 as amended.

SECTION 5 - PREAPPLICATION PROCEDURE AND SUBMISSIONS AND ON SITE INSPECTION

5.1 Purpose.

The purpose of the pre-application and the on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money.

5.2 Applicant Presentation and Submission of Sketch Plans.

The pre-application sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, building, and other features in relation to existing conditions. The sketch plan, which may be a free-hand penciled sketch, should be supplemented with general conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The sketch plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.

5.3 Question and Answer Period.

The Board makes suggestions to be incorporated by the applicant into subsequent submissions.

5.4 Contour Interval and On-site Inspection.

Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval of the Preliminary Plan and hold an on-site inspection of the property. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersection of the street centerlines and lot corners, prior to the on-site inspection.

5.5 Rights Not Vested.

The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purpose of bringing the plan under the protection of Title 1, M.R.S.A., Section 302.

SECTION 6 - PRELIMINARY PLAN FOR SUBDIVISIONS

6.1 Procedure

- A. Upon receipt of an application for Preliminary Plan approval of a subdivision, the CEO shall:
 1. Issue a dated receipt to the applicant,
 2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 3. Notify the clerk and review authority of the neighboring municipalities if any portion of the subdivision includes or crosses the municipal boundary.
- B. The applicant or his duly authorized representative shall attend the meeting of the Board to present the Preliminary Plan application.
- C. Within 30 days after receiving the Preliminary Plan application, the Planning Board shall notify the applicant in writing either that the application is complete, or, if the application is incomplete, the specific additional material needed to complete the application.
- D. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the preliminary Plan application.
- E. If the Planning Board decides to hold a public hearing, it shall hold the hearing within 30 days after determining it has received a complete application. The Planning Board shall have notice of the date, time, and place of hearing: given to the applicant and published at least twice 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.
- F. 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 mutually agreed to, the Planning Board shall make finding of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its finding of facts and reasons for any conditions or denial.

6.2 Submissions

The preliminary plan application shall consist of the following items:

- A. Preliminary Plan - 8 copies of the preliminary plan shall be submitted. The preliminary plan shall be drawn to scale no smaller than 1"=100'.
- B. Results of Test Pits/Approval from Superintendent of the Wastewater Treatment Plant - When sewage disposal is accomplished by subsurface wastewater disposal systems, test pit analyses conducted by a licensed site evaluator or certified soil scientist shall be provided.

When sewage disposal is to be accomplished by connection to a public sewer, a letter from the Wastewater Superintendent stating the public sewer system has the capacity to collect and treat the wastewater shall be provided.

- C. Proof of Adequate Water Supply - When water is supplied by the public water supply, a written statement from the Dover-Foxcroft Water District Superintendent shall be submitted indicating there is adequate supply and pressure for the subdivision.
- D. Names and addresses of abutting property owners of the proposed subdivision.
- E. Verification of right title or interest in the property.

6.3 Preliminary Plan.

The preliminary plan shall include the following information: The Planning Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30A M.R.S.A. 4404 are met.

For subdivision developments within Land Use Districts RES, RR1 and RR2, a Conservation Development Option preliminary plan should be submitted alongside a traditional sub-division. See Section 9.6 for applicable standards.

- A. Proposed subdivision name, name and address of owner of record, name of subdivider and person making layout, date, north point, scale, current zoning of property, total acreage of proposed subdivision (including roads) and tax assessor’s map and lot number of property.
- B. Names of owners of record of abutting properties, abutting subdivision names, streets, easements, parks and public open spaces, and similar facts regarding abutting property.
- C. Location of property lines and their approximate dimensions, existing easements, buildings, water courses, ponds or standing water, rock ledges wetlands, and other essential features.
- D. Existing water lines, sewer lines, culverts, storm drains and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage. Location of each test pit site and water well.
- E. For subdivisions not served by a public sewer, an assessment of the impacts of the subdivision on ground water quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:
 - 1. Application:
 - a) A map showing the basic soil 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. 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 the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.

- f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Standards:

- a) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- b) No subdivision shall increase any contaminant concentrations in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards
- c) If ground water contains contaminants in excess of the primary standards and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- d) If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

3. Development – Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

- F. Location, name and widths of existing and proposed streets and highways with estimated sight distances shown at intersections, proposed typical cross sections of roads, and the elevations of sufficient points of the road to indicate the general topography.
- G. Where the topography is such as to make difficult the inclusion of any public facilities within the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over and under private property.
- H. Proposed lots, approximate size of each lot, total acreage of subdivision, and building setback lines.
- I. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or the entire tract.

J. Buffer Areas –

- 1) A 50 foot wide buffer strip shall be provided along all property boundaries to:
 - a. Abut residential land which has a gross density of less than half of that proposed in the subdivision, or
 - b. Abut residential land that is within a land use district with a density of less than half of that proposed in the subdivision.

Further, no structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the subdivision.

- 2) Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view the adjacent property and shall be maintained throughout the life of the project.

K. Open Space – For subdivisions served by a public sewer, an area amounting to no more than 10% of the total area devoted to individual lots shall be set aside for open space and/or recreation. Such space shall be accessible and useable by all residents of the subdivision. Parking space, driveways and streets and buffer areas are not considered useable open space but community recreation buildings, pools and courts are considered as open space.

- At least 50% of the required open space shall consist of land that is suitable for active recreation or storage.
- All developed open space shall be designed and landscaped for the use and enjoyment of the subdivision residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.
- To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to make trails for walking and jogging or to make picnic areas are permitted.
- The developer shall submit, as part of his/her application, a copy of that portion of the proposed subdivision rules and a plan which specify how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.
- Open space shall be maintained and used for its stated purpose.

L. Storm Drainage – A Storm drainage plan shall be prepared by a professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

M. Road Standards - Privately owned roads within the subdivision shall be built according to accepted engineering standards and standards contained in Section 9.2 of this Ordinance.

- The layout and general development plan for major and minor access streets and driveways within the subdivision together with the location and dimensions of access junctions with existing public streets and rights-of-way shall be approved by the Planning Board.
- A traffic impact analysis shall be required if the subdivision will generate more than 500 trips/day.
- For subdivisions expected to generate 200 trips per day or more, there shall be at least two entrances from public streets or roads.
- On street parking shall be prohibited unless an eight foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking land is located.
- Curvilinear streets shall be utilized wherever possible. No Street within the subdivision shall be more than 200 feet without a curve or bend.
- No subdivision lot may have vehicular access directly onto a state highway.
- Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
- One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
- Parking lanes shall be a minimum of 8 feet in width, if provided.
- Cul-de-sac turnarounds shall have a minimum radius of 50 feet at the outer edge of the pavement, exclusive of any parking areas.
- If the developer intends to dedicate subdivision streets to the public, such streets shall meet municipal road standards.

N. Location and size of any bridges or culverts which may be required.

O. Topography and contour interval determined at pre-application meeting.

P. If any portion of the subdivision is within the 100 year floodplain, the boundaries of the 100 year floodplain and the 100 year flood elevation shall be shown on the plan.

SECTION 7 - FINAL PLAN FOR SUBDIVISIONS

7.1 Procedure.

- A. Upon receiving an application for final plan approval, the CEO shall issue a dated receipt to the applicant.
- B. The subdivider or his duly authorized representative shall attend the meeting of the Board to discuss the final plan.
- C. Within 30 days after receiving the final plan application the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.
- D. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the final plan application.
- E. If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of determining it has received a complete application. The Board shall have notice of the date, time, and place of hearing given to the application and published at least two times in a newspaper having circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least seven days before the meeting.
- F. 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, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A. Section 4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.
- G. Monumentation shall be in accordance with standards for category I, Condition 3, Standard Boundary Surveys set forth by the Board of Registration for Land Surveyors; Monuments shall be installed prior to approval of the final plan.

7.2 Final Plan Submissions

The final plan application shall consist of the following items:

- A. Final Plan - 8 copies of the final plan and one reproducible copy of the final plan with a scale no smaller than 1"=100' shall be submitted for planning board review and recording in the Piscataquis County Registry of Deeds.
- B. Typical road cross section - a scaled drawing which shows: the width of the traveled way, shoulders, and rights-of-way; the depth of the road base, sub-base and pavement; and the slope of the roadway.

- C. Road Profile - A scaled drawing which shows the existing and proposed elevation of the centerline of the proposed roads. Any significant features, such as culverts for bridges and utilities shall be shown.
- D. Cross section of road at culverts - A scaled drawing showing the road width, depth of base, sub-base, and pavement in relation to the culvert.
- E. Utility Plan (If public water or sewer is used) - Utility plan should show sewer lines, water lines, storm drains, electric lines, fire hydrants and other significant utilities. The sizes, slope and type of sewer line, water line and storm drains shall be shown on the plan. Manholes and catch basins shall be shown on the plan with relevant invert elevations.

7.3 Final Plan.

The final plan shall include the following information:

- A. The proposed subdivision name or identifying title, the name of record and subdivider, the name and seal of the surveyor, date, scale and north arrow.
- B. Street lines, setback lines, pedestrian ways, lot lines, lot size, reservations, easements and areas to be dedicated to public use and areas the title to which is reserved by the developer, deed restrictions and covenants. The plan shall contain sufficient data to allow the location of every street line, lot line, and boundary line to be readily determined and reproduced upon the ground.
- C. Certification by a professional land surveyor that the subdivision survey shall conform to the “Standard Boundary Survey, Category 1, Condition 3” as defined by the State Board of Registration for Land Surveyors.
- D. Where roads are to remain privately owned, the following words shall appear on the final plan: “All roads shall remain private roads to be maintained by the developer or the lot owners. In addition, if a subdivision includes a seasonal road, then all such roads shall be plainly labeled “Seasonal Road”.
- E. If a subdivision is located on a town road which is currently discontinued to winter maintenance, then such road shall be labeled on the final plan “Discontinued to Winter Maintenance”.

SECTION 8 - REVIEW CRITERIA

The Planning Board shall consider the following criteria before granting approval of the final subdivision plan and shall determine that the proposed subdivision:

- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: the land elevations of land above sea level and its relation to the flood plains; the nature of soil and subsoil and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;
- B. Has sufficient water available for the reasonable foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an exiting municipal water supply, if one is to be utilized;
- D. Will not cause unreasonable soil erosion or reduction in the capacity of land to hold water so that a dangerous or unhealthy condition may result;
- E. 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;
- F. Will provide for adequate solid and sewage waste disposal;
- G. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- H. Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;
- I. Will not place an undue adverse effect on the scenic or natural beauty of the area, aesthetic, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or municipality, or rare and irreplaceable natural areas;
- J. The subdivider has adequate financial and technical capacity to meet the above stated standards and construction standards;
- K. The subdivision plan shall conform with the town's comprehensive plan, and any other pertinent town or state laws or regulations;
- L. Whenever situated in whole, or in part, within 250 feet of any wetland, pond, lake, or river, will not adversely affect the quality of that body of water or unreasonable affect the shoreline of that body of water.

Furthermore, when lots in a subdivision have frontage on an outstanding river segment (Piscataquis River) the proposed subdivision plan shall require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than

250 feet which it not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore. These frontage and set back provisions shall not apply either within areas zoned as general development or within areas designated by ordinance as densely developed. The determination of which areas are densely developed shall be based on a finding that, as of September 23, 1983, existing development within an area of 10 or more acres contains at least one principal structure per two acres.

- M. The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- N. Based on the Federal Emergency Management Agency's Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100 year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100 year flood elevation;
- O. Freshwater Wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.
- P. River, stream, or brook. Any river, stream, or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream, or brook" has the same meaning as in Title 38, section 480-B, subsection 9; and
- Q. Stormwater - The proposed subdivision will provide for adequate storm water management.
- R. The long term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision.

SECTION 9 - DESIGN STANDARDS

9.1 Water Systems

Each water system shall be at least 100 feet from any portion of a septic tank or drainage field on its own or adjoining lots.

9.2 Roads

A. Design guidelines for roads.

Any new roads to be constructed within a subdivision shall adhere to the minimum standards as detailed in the table below:

Road Classification	Industrial /				
	Arterial	Collector	Local	Commercial	Seasonal
Right of way width	80'	66'	50'	80'	50'
Traveled way	44'	20'	18'	44'	16'
Shoulder width	9'	4'	2'	9'	2'
Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%
Maximum grade	5.0%	10%	10%	5.0%	5.0%
Roadway crown	1/4"/ft	1/4"/ft	1/4"/ft	1/4"/ft	1/4"/ft
Maximum grade within 75' of intersection	2%	3%	3%	2%	3%
Dead-end streets: Max. length	-----	-----	-----	1000'	-----
Radii at turn around: property line (min)	-----	-----	60'	70'	-----
pavement (min)	-----	-----	42'	44'	-----
Sidewalk width (if required)	5'	5'	5'	5'	----
Aggregate sub-base*	18"	12"	12"	18"	12"
Crushed aggregate base**	6"	6"	6"	6"	----
Hot bituminous pavement	3"	2.5"	2"***	3"	----
Horizontal curve radius minimum	150'	150'	150'	150'	150'

* Dimensions indicate thickness after compaction

** Pavement only required in urban areas

9.3 Sight Distance

The minimum allowable sight distances for all accesses onto all roads located outside urban compact areas are set forth below.

Posted Speed (MPH)	Sight Distance (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645

B. Definitions

1. **Arterial Roads** - means high volume roadways which provide linkage between major cities and towns and developed areas, capable of attracting travel over long distances
2. **Collector Roads** - means routes that gather traffic from local and private roads and deliver it to the arterial system.
3. **Local Roads** – are characterized by many points of direct access to adjacent properties and have a relatively minor role in accommodating mobility.
4. **Industrial/Commercial Roads** - means roads primarily for access to abutting industrial and commercial properties.
5. **Seasonal Roads** - means roads maintained only during the summer season and used for vehicular traffic only after the frost is out in the spring and until snow is on the ground in the fall. These roads provide access to recreational properties such as lakeside camps. The required construction standards are not intended to meet the quality of construction necessary for town acceptance or year-round maintenance.

C. The arrangement of streets in the subdivision shall provide for continuation of the principal streets in adjoining subdivisions, or for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of such existing connecting streets, but in no case less than that required under this section.

D. Intersecting property lines at street intersections shall be joined by a curve of at least a twenty-foot radius.

E. Streets should be laid out to intersect as nearly as possible at right angles. No streets shall intersect another with an angle of less than sixty degrees. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred fifty feet between their center line.

F. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the town.

9.4 Utilities.

All utilities are to be placed underground where practicable and possible (at discretion of the Planning Board). Utility boxes must be located out of the road right of way and at least 33' from the center line of the road.

9.5 Drainage.

All proposed drainage facilities and culverts shall be designed to accommodate a 10 year - 24 hour event. Natural water courses shall be cleaned and increased in size where necessary to take care of the storm water runoff. When estimated storm water runoff amounts are not available, drainage ditches at least three feet in width and sixteen inches in depth at their midpoint below center line grade shall be constructed in the right-of-way adjacent to both of the roadway shoulders. Grades, slopes and culverts shall be installed to avoid standing water in the ditch line. In any road classification, cross-over culverts under the roadway shall be a minimum of 15" in diameter and made of galvanized steel. Drainage easements from abutting property owners may be required by the Planning Board if the natural drainage is altered on abutting property.

9.6 Lot Configuration.

The minimum width of a lot abutting any street shall be 30% of the depth of the lot (depth meaning the average horizontal distance between front and rear lines).

9.7 Conservation Development Subdivisions

It is the policy of the Town of Dover-Foxcroft to encourage the use of Conservation Development subdivisions in order to preserve a sense of space, provide for sustainable agriculture and forestry as well as recreational land, and harmonize new development with the traditional open, wooded, agricultural, rural and village landscapes of the Town.

Notwithstanding provisions of the Land Use ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential subdivisions in the Residential (RES), Rural Residential One (RR1) and Rural Residential Two (RR2) land use districts, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design. (This shall not be construed as granting variances to relieve hardship.)

Any proposed subdivision developments located in the RES, RR1 or RR2 Land Use districts require a Conservation Development option to be included in the preliminary plan. The plan should be drafted according to the following standards:

Basic Standards for Conservation Development Subdivisions

1. Submissions for an conservation subdivision shall include, as appropriate unless any of the same is waived, all plans and materials required for a conventional subdivision (Section 6.2 and 6.3).
2. The Planning Board shall allow lots within conservation developments to be reduced in lot area, street frontage and lot width below the minimum normally required by this ordinance in return for

provision of conserved open space, as long as the maximum number of dwelling units is not exceeded, according to the calculations below.

The number of permitted dwelling units on a site can be calculated in the following manner:

- Determine the net residential acreage by taking the total area of the parcel and subtracting, in order, the following:
 - a. 15% of the area of the parcel to account for roads and parking.
 - b. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
 - i. Slopes greater than 15%.
 - ii. Wetland soils.
 - iii. Portions of the lot subject to rights of way.
 - iv. Portions of the lot located in the resource protection zone.
 - v. Portions of the lot covered by surface waters.
 - vi. Portions of the lot utilized for storm water management facilities.
- Divide the net residential acreage by the minimum lot size in the district.

Residential density shall be no greater than is permitted in the district in which the development is proposed.

9.8 Density Bonus is allowed when the Planning Board determines that it is warranted. The number of permitted dwelling units on a site can be increased by anywhere up to 25% of the number calculated in the manner above. (Results should be rounded up to the nearest whole number.)

A density bonus may be awarded for any reason that helps achieve the goals of the Town's Comprehensive Plan or other such benefits permitted by the Planning Board. These include but are not limited to:

- Public access to usable open space provided by the developer such as, but not limited to, public access to trails, recreation areas or water bodies.
- Preservation of historic structures
- Preservation of sensitive and/or unique environmental areas that may not be covered by existing regulations or protections
- Provision of Public Lighting
- Provision of extra buffering considerations beyond the basic standards of this ordinance
- Preservation of scenic vistas and landscape
- Connection to existing sewer and water systems

3.) The total area of conserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the land use ordinance. However, at least fifty percent (50%) of the area of the entire parcel or tract shall be included as conserved open space. Conserved open space shall not include road rights of way, streets, drives, or parking.

4.) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the land use district.

- 5.) Distances between residential structures in multi-family open space subdivisions shall be a minimum of the height of the tallest structure.
- 6.) A reduction of required setback distances may be allowed at the discretion of the Board, provided that the front, side and rear setbacks shall be no less than twenty-five (25) feet or that required for the applicable land use district, whichever shall be less.
- 7.) All conserved open space land, facilities and property shall be owned by:
- a. The owners of the lots or dwelling units by means of a lot owners' association;
 - b. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
 - c. The municipality.
- 8.) Further subdivision of the conserved land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.
- 9.) The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
- a. It shall not be used for future building lots; and
 - b. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.
- 10.) On all parcels, the conserved open space uses shall be appropriate to the site.
- a. On parcels that contain significant portions of land suited to agricultural production, open space shall be conserved for agriculture or other consistent open space uses such as forestry, recreation (active or passive), and resource conservation.
 - b. When the principal purposes of conserving portions of the open space is the protection of natural resources such as wetlands, aquifers, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
 - c. Open space areas, shall be contiguous, where possible, to allow linking of open space areas throughout the Town.
 - d. The Planning Board may limit the use of any open space at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.

SECTION 10 - VARIANCES

Where strict conformity with these regulations would cause undue hardship or injustice to the subdivider, a subdivision plan substantially in conformity with these regulations may be approved by the Board provided that the spirit of these regulations and public convenience and welfare will not be adversely affected.

SECTION 11 - AMENDMENTS

These regulations may be amended or rescinded by the Board. The Code Enforcement Officer shall transmit a record of any changes so authorized to the Register of Deeds in Piscataquis County.

SECTION 12 - ENFORCEMENT

- A. 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 standard, that fact must 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 must be recorded in recordable form and recorded in the Registry of Deeds. This certificate must:
 - a. Indicate the name of the current property owner;
 - c. Identify the property by reference to the last recorded deed in its chain of title; and
 - d. 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 approval under Title 38, Chapter 3, subchapter I, article 6 where applicable, whichever date is later, or the variance is void.
- B. Whenever the subdivision is exempt from Title 38, chapter 3, subchapter 1, article 6, because of the operation of Subdivision exemptions from site location, that fact must be expressly noted on the face of the subdivision plan to be recorded in the Registry of Deeds. The developable land, as defined in Title 38, section 488, subsection 5, must be indicated on the plan. The person submitting the plan for recording shall prepare a sworn certificate in recordable form and record it in the Registry of Deeds. This certificate must:
1. Indicate the name of the current property owner;
 2. Identify the property by reference to the last recorded deed in its chain of title and by reference to the subdivision plan;
 3. Indicate that an exemption from Title 38, chapter 3, subchapter I, article 6, has been exercised;
 4. Indicate that the requirements of Title 38, section 488, subsection 5, have been and will be satisfied and

5. Indicate the date of notification of the Department of Environmental Protection under Title 38, section 488, subsection 5.

The exemption is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval under this subchapter or the exemption is void.

- C. A building inspector may not issue any permit for a building or use within a land subdivision unless the subdivision has been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable.
- D. Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling until in a subdivision that has not been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable, shall be penalized with section 4452.
- E. Any person who, after receiving approval from the municipal reviewing authority or approval under Title 38, chapter 3, subchapter I, article 6, 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 or in violation of any condition imposed by the municipal reviewing authority of the Department of Environmental Protection, when applicable, must be penalized in accordance with section 4452.
- F. Any person who sells, leases or conveys for consideration any land or dwelling until in a subdivision approved under this subchapter and exempt from Title 38, chapter 3, subchapter I, article 6, because of the operation of Title 38, section 488, subsection 5, shall include the instrument of sale, lease or conveyance a covenant to the transferee that all the requirements of Title 38, section 488, subsection 5, have been and will be satisfied.

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

- i. A granite monument;
- ii. A concrete monument;
- iii. An iron pin, or
- iv. 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 until 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.

4. Permit Display - Display permit if in a great pond watershed.

5. Revisions 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 an application, the municipal reviewing authority shall make finding of fact establishing that the proposed revision does or does not meet the criteria of section 4404.

1. Recording. If a subdivision plat or plan that is presented for recording to a register of deeds and that plat or plan is a revision or amendment of an existing plat or plan, the register shall:
 - a. Indicate on the index for the original plat or plan that 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 plan or plat is recorded are referenced on the new plat or plan.

SECTION 13 - ADOPTION

13.1 These regulations may be amended by the Legislative Body of the Town of Dover-Foxcroft.

13.2 A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

SECTION 14 - SEPARABILITY

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