

Town of Dover-Foxcroft
Subdivision
Ordinance
June 11, 2024

ENACTED: _____
Date

EFFECTIVE: _____
Date

CERTIFIED BY: _____
Name

Title

Subdivision Ordinance for the Town of Dover-Foxcroft

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Section 1 Purpose and Applicability

1.1 Purposes

The purposes of this Ordinance are as follows: to assure the comfort, convenience, safety, health, and welfare of the people of the Town; to protect the environment; to promote the development of an economically sound and stable community; to assure that a sufficient level of services and facilities is available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures; to minimize potential negative impacts from new subdivisions on neighboring properties and on the Town; to provide for the expeditious and efficient process for the review of proposed subdivisions; and to comply with M.R.S. § 4401 et. seq., and all amendments thereto.

1.2 Applicability

1.2.1 The provisions of this Ordinance pertain to all land and buildings proposed for subdivision as herein defined. Subdivisions which existed, that were approved by the Board, or that were legally recorded at the Piscataquis County Registry of Deeds prior to September 23, 1972, are not subject to this Ordinance, but any new divisions as herein defined within such subdivisions are subject to this Ordinance.

1.2.2 A lot of 40 or more acres must be counted as a lot for the purpose of subdivision under this Ordinance.

1.2.3 Notwithstanding 1.2.1 above, the following types of uses shall be reviewed, and decided under the Dover-Foxcroft Land Use Ordinance:

- A. Mobile home park
- B. New or existing residential building where the dwelling units or land that the units are on is under unified ownership, such as rental units in an apartment building or owned units (condominium units) on land under unified ownership
- C. The division of an existing structure previously used for commercial or industrial use into dwelling units or commercial units
- D. Common Development Plan development
- E. Commercial or industrial uses divided into lots, such as a business park
- F. Airport with an approved airport layout plan that has received final approval from the airport sponsor, the Maine Department of Transportation, and the Federal Aviation Administration.

Section 2 Authority and Administration

2.1 Authority

2.1.1 This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A Part 2, Section 1 of the Maine Constitution, and 30-A M.R.S. § 3001. These standards have been prepared in accordance with M.R.S. § 4401 et seq.

2.1.2 This Ordinance shall be known and may be cited as "Subdivision Ordinance for the Town of Dover-Foxcroft, Maine", adopted and effective by vote of the Town on June 11, 2024. This Ordinance

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repeals and replaces any municipal ordinance provisions previously enacted to control the development of subdivisions in the Town of Dover-Foxcroft.

2.1.3 The Dover-Foxcroft Planning Board shall administer this Ordinance.

2.2 *Amendments to this Ordinance*

This Ordinance may be amended by the legislative body of the Town of Dover-Foxcroft. A public hearing must be held prior to the adoption of any amendment. Notice of the hearing must be provided at least seven days in advance of the hearing.

2.3 *Interpretation, Conflict and Severability*

2.3.1 The provisions of this Ordinance must be construed as minimum requirements. More stringent provisions may be required if it is demonstrated they are necessary to promote public health, safety, and welfare. Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or any other applicable law, ordinance, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

2.3.2 The provisions of this Ordinance are separable. If any portion of this Ordinance is declared by the courts to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

2.3.3 This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law.

Section 3 Definitions

3.1 *Construction of Language*

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning.

The present tense includes the future tense, the singular number includes the plural, and plural numbers include the singular.

The words "shall," "will" and "must" are mandatory; the word "may" and "should" are permissive.

The word "lot" includes the word "parcel".

The word "structure" includes the word "building".

The word "town" or "municipality" means the Town of Dover-Foxcroft, Maine.

The term "Board" means the Town of Dover-Foxcroft Planning Board.

The terms: "Code Enforcement Officer or CEO" means the Town of Dover-Foxcroft Code Enforcement Officer

The term "Select Board" means the Town of Dover-Foxcroft Select Board.

The term "Board of Appeals" means the Town of Dover-Foxcroft Board of Appeals.

The term "Land Use Ordinance" means the Town of Dover-Foxcroft Land Use Ordinance.

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3.2 *Definition of Terms*

In this Ordinance the following terms have the following meanings:

Abutter means the owner of any property with one or more common boundaries, or across the road or stream from, the property involved in an application or appeal.

Abutting Property means any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a road or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

Agriculture means the production, keeping or maintenance for sale or lease, of plants and/or animals including, but not limited to, forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. "Agriculture" does not include forest management and timber harvesting activities.

Agricultural Products means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bee products, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.

Applicant means the person or persons applying for subdivision approval under this Ordinance.

Basement means any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Certified Soil Scientist means a registered, licensed and/or certified by the appropriate licensing and registration boards in the State of Maine.

Common Development Plan (CDP) means as defined in Land Use Ordinance, Article 8, Section 8.9.

Common Open Space means land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment by the residents of the development or the public.

Complete Application means: An application must be considered complete upon submission of the required fee and all information required by this Ordinance unless waived, after the applicant's written request, by a vote by the Board.

Complete Substantial Construction means the completion of a portion of the improvements which represents no less than 30% of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots must not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction must be included in the total costs of proposed improvements.

Conservation Easement means a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forestry, recreational or open space use; protecting natural resources; or maintaining air or water quality.

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.

Density means the number of dwelling units per acre of land.

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Development means a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other man-made construction.

Drinking Water Standards means thresholds for contaminants set by the Maine Department of Health and Human Services. Standards have been established for contaminants which pose a health threat ("primary drinking water standards") and those which pose an aesthetic concern ("secondary drinking water standards").

Dwelling Unit means a room or suites used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, residential condominiums, and time-share units.

Engineered Subsurface Wastewater Disposal System means a subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of wastewater per day or more; or any system designed to be capable of treating wastewater with higher BODs (biological oxygen demands) and total suspended solids concentrations than domestic wastewater. Any engineered system must be approved by the Maine Department of Health and Human Services.

Farmland means a parcel consisting of 5 or more acres of land that is either: (a) classified as prime farmland, unique farmland, or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or (b) used to produce agricultural products as defined in 7 M.R.S., §152, sub-§2.

Final Plan means the final drawings on which the applicant's plan of subdivision are presented to the Board for approval and which, if approved, must be recorded at the Registry of Deeds.

Flood, 100-Year means the highest level of flood that, on average, has a 1% chance of occurring in any given year.

Floodway means the channel of a river or other watercourse and adjacent land areas that must be reserved to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Flood-prone Area means those land areas which are susceptible to inundation during a 100-year flood (a flood with a one percent probability of occurring in any given year). Flood-prone areas must include mapped areas of floodplain and floodway (zones A or AE). Where maps are unavailable or of insufficient accuracy, a determination may be made by a professional land surveyor.

Groundwater means the water that is found beneath the earth's surface recharged from rain infiltration. Groundwater moves slowly, finding its way from pore space to pore space in the subsurface soils and rocks; but it may surface as seeps and springs when intercepted by an excavation or slope cut.

Frontage means that portion of a lot boundary which abuts a road or shoreline. A frontage measurement consists of the horizontal distance between the points where side lot lines intersect the road or shoreline. On lots with more than one frontage, such as corner lots, a requirement for road frontage must apply to only one frontage.

High Intensity Soil Survey means a map prepared by a certified soil scientist identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils must be identified in accordance with the National Cooperative Soil Survey. The map must show the location of all test pits used to identify the soils and must be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high-water table or bedrock at that location.

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Hydrogeologic Assessment means an assessment of groundwater quantity, quality, availability, and movement, for the purpose of determining whether adequate water supply exists for development needs without significant negative impact to neighboring properties.

Lot Length (Lot Width) means the horizontal distance between front and rear (length) or side (width) lot lines. Where lots are not rectangular, length and width must be calculated as the average distance between the most-parallel lines of the lot.

Liquidation Harvesting means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years.

Medium Intensity Soil Survey means the *Soil Survey of Piscataquis County, Maine*, published by the USDA, Soil Conservation Service - recognized as a medium intensity soil survey.

Mobile Home Park means as defined in Section 1.12 Definitions of the Land Use Ordinance.

Mobile Home Subdivision Development means a parcel of land for the placement of manufactured houses on individually owned lots.

Multifamily Development means a development that contains 3 or more dwelling units on land in common ownership, such as apartment buildings, condominiums, or mobile home parks.

New Structure or Structures means any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

Outstanding River Segments means, in accordance with Title 38, section 480-P, as amended, "outstanding river segments", which includes the Piscataquis River.

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

Performance Guarantee means any surety or commitment that may be accepted by the Town of Dover-Foxcroft to assure that infrastructure improvements required as part of the subdivision approval will be satisfactorily completed.

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

Professional Engineer means a professional engineer registered in the State of Maine.

Professional Land Surveyor means a registered licensed and/or certified by the appropriate licensing and registration boards in the State of Maine.

Public Improvements mean, but are not limited to, all roads; fire protection structures and ponds; any structure or land proposed to be dedicated to the Town; any land or structure which is offered as an easement to the Town; and all stormwater drainage structures designed to allow water to flow outside the property or the subdivision.

Public Water System means two basic types: 1) a "community water system" which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents; and 2) a "non-community water system" that is not a "community water system", but that serves at least 25 of the same persons for 6 months or more per year and may include, but is not limited to, a school, factory, industrial park or office building, or a water system that serves at least 25 persons, but not necessarily the same persons, for at least 60 days per year and may include, but is not limited to, a highway rest stop, seasonal restaurant, seasonal motel, golf course, park or campground. A bottled water company is a non-community water system.

Recording Plan means an original of the final plan, suitable for recording at the Registry of Deeds and which needs to show only information relevant to the transfer of an interest in the property, and

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which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

River, Stream or Brook means a channel between defined banks that is created by the action of surface water and has two or more of the following characteristics:

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
2. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
3. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
4. The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.
5. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

"River, stream or brook" does not mean a ditch or other drainageway constructed, or constructed and maintained, solely for the purpose of draining stormwater or a grassy swale.

Road or Street: An existing state, county or town way; a way dedicated for public use and shown upon a subdivision or other plan approved by the Planning Board and recorded in the Piscataquis County Registry of Deeds; or a way dedicated for public use and shown on a plan duly recorded in the Piscataquis County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The terms "road" or "street" shall also include private, undedicated roads that are described in a recorded document. The terms "road" or "street" shall not include those ways that have been discontinued or abandoned.

Road/Street Frontage: The portion of a property lot line, measured in horizontal distance that directly abuts a public road/street or private access way. Any property line that can be defined as "road/street frontage" is also defined as the "front lot line" of a parcel.

Sketch Plan means conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to applying for subdivision approval.

Street: See "Road or Street".

Subdivision means the term as defined in Title 30-A, M.R.S. § 4401, sub-§4, as amended.

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 be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides after September 22, 1971.

Traffic Impact Analysis means a study and report assessing road and traffic conditions with and without the addition of traffic from a proposed development, and which includes an analysis of mitigation measures necessary to address congestion or unsafe conditions on public roads.

Vernal pool means an area exhibiting pooling, aquatic vegetation, and even small creatures for a limited time of year, usually during the spring flooding, and drying up over the course of the summer.

Wetland means freshwater swamps, marshes, bogs, and similar areas which are:

1. 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
2. Not considered part of a great pond, river, stream, or brook.

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

Section 4 Administrative Procedures and Fees

4.1 Application Submissions and Applicant Attendance

All applications must be submitted to the Board Chair or designated staff at least 15 business days (Monday through Friday, not including federal holidays) prior to the meeting at which the applicant wishes to be heard by the Board. The applicant, or a representative, must present the application to the Board. Failure to attend the meeting may result in a delay of the Board's review until the next meeting the applicant attends.

4.2 Joint Meetings with Adjacent Municipalities

If any portion of a subdivision crosses town boundaries, all meetings, and hearings to review the subdivision application must be held jointly by the reviewing authorities from each town. The reviewing authorities in each town, upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing.

4.3 Application Fee and Escrow Account for Review by Outside Experts

4.3.1 Application Fee. An application for subdivision approval must include payment of a non-refundable permit fee as set by the Select Board. Each step of the application must not be considered complete until this fee is paid.

4.3.2 Escrow Account. The Planning Board (Board) may require that the applicant deposit with the Town, funds sufficient to reimburse the Town for all reasonable costs for hiring independent consulting services to review engineering and other technical submissions associated with the application and to ensure compliance with this Ordinance. If the Board requires an escrow account, the applicant must pay an escrow fee as specified in the Select Board's permit fee schedule to be deposited in a special escrow account designated for that subdivision application. If the balance in this special account is drawdown by 75%, the Board Chair or designated staff must notify the applicant and require that the balance be brought back up to the original deposit amount. The Board Chair or designated staff must continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. If the amount held in escrow is more than the amount of actual invoicing at the conclusion of the project, the remaining balance must be promptly refunded to the applicant.

Section 5 Application Review Process and Required Application Submissions

5.1 Preapplication Meeting, Sketch Plan and Site Inspection

5.1.1 The purpose of the preapplication meeting is for the applicant to present general information regarding the proposed subdivision, and to receive Board comments prior to undertaking the costs associated with further development of the proposal.

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- 5.1.2 The preapplication meeting must not be considered the initiation of the review process for the purposes of bringing the plan under protection of 1 M.R.S. § 302.
- 5.1.3 At the preapplication meeting, the Board will provide guidance as follows:
- A. A determination as to the applicable land use districts (Land Use Ordinance, Shoreland Zoning, Floodplain Ordinance, etc.) and the applicability of those ordinances.
 - B. A determination of the classification of the subdivision as a minor or major subdivision, the required review process, and other information such as to whether the subdivision contains roads or other utilities which may require detailed information.
 - C. The concept of a Conservation/Clustered Housing Development design as an option.
 - D. A preliminary opinion concerning any waivers to submission requirements. Formal acceptance of waivers must not occur until the Board has an opportunity to review the preliminary or final plan.
 - E. An opinion on the requirement for and amount of a technical review fee (escrow account).
- 5.1.4 The Board must classify each project as a major or minor subdivision.
- A. A Minor Subdivision is any subdivision containing 6 lots or dwelling units or fewer with no major infrastructure and not located within 100 feet of a lake, pond, or river. A subdivision served by an internal road with a cul-de-sac or T-turn around, of less than 600 feet in length, excluding individual driveways may be classified as a minor subdivision. The internal road must meet the road standards in the Appendix of this Ordinance.
 - B. A Major Subdivision means all other subdivisions.
- 5.1.5 Site Visit and Required Contour Interval
- A. Within 30 days of the preapplication meeting, the Board may hold an on-site inspection of the property and inform the applicant of the contour interval to be used on the Plan. Unless otherwise specified by the Board, the contour interval shall be 2 feet. The Board may allow up to a 10-foot contour level if it determines a more detailed contour interval would serve no practical purpose. The Board may waive this requirement altogether for minor subdivisions. The Board shall not conduct on-site inspections during inclement weather or when there is more than one foot of snow on the ground.
 - B. Prior to the on-site inspection, subdivision applicants must place "flagging" to indicate the approximate location of each lot and to indicate the centerline of any proposed streets and at the intersections of the street centerlines, entrance centerlines and corners of the parcel proposed for subdivision. The Board may perform additional site inspections, if needed.
- 5.1.6 Sketch Plan Review Submissions. The sketch plan, which may be a free-hand penciled sketch, must show the proposed layout of the subdivision, and should be supplemented with general information to describe the existing conditions of the site and the proposed development. The sketch plan must contain, at a minimum, 8 copies of the following:

Sketch Plan Submission Requirements
1. Completed sketch plan application form and application fee
2. Name, addresses, contact information of record owner, applicant, and consultants
3. A description of existing conditions - the number and size of lots
4. Evidence of right, title, or interest in the property
5. Copy of property tax map showing the map and lot number of parcel to be subdivided

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6. A copy of a portion of the U.S.G.S. topographic map (7.5 min. quad.) of the area showing the boundaries of the proposed subdivision
7. A copy of that portion of the Piscataquis County Soil Survey (medium intensity soil survey), including soil suitability information, covering the proposed subdivision, showing the outline of the proposed subdivision
8. A plan map of the parcel, with approximate scale, showing at a minimum: <ol style="list-style-type: none">Name(s) of the applicant and owner of the parcelNorth arrow, date, and map scaleBoundary and lot lines of the subdivision, including individual lotsApproximate location, width and purpose of easements or restrictionsRoads on and adjacent to the tractExisting buildings, structures, utilities, or other improvements on the siteMajor natural features of the site - wetlands, streams, ponds, steep slopes, etc.
9. A preliminary list of any anticipated requests for waivers from the submission requirements

5.1.7 Upon completion of the preapplication meeting and sketch plan review the Board may authorize submission of the preliminary plan and/or final plan, as applicable. The Board may allow applicants for minor subdivisions to submit preliminary and final plans at the same time. Failure to apply within 6 months shall require resubmission of the sketch plan to the Board.

5.2 Preliminary Plan Review Process

5.2.1 Within 6 months after the on-site inspection by the Board, the applicant will apply for approval of a preliminary plan at least 15 business days (Monday through Friday) prior to a scheduled meeting of the Board. The preliminary plan must approximate the layout shown on the sketch plan, plus any recommendations made by the Board.

5.2.2 At the meeting at which a subdivision application is presented, the Board or its designated staff must issue a dated receipt to the applicant and notify the clerk and the review authority of the neighboring town, if any portion of the subdivision abuts or crosses the town boundary.

5.2.3 All abutting landowners and potentially affected landowners within the vicinity of the subdivision must be notified by first-class mail that an application has been accepted. All public water suppliers must be notified for proposals within 1,000 feet of their wellheads. This notice must contain a description of the proposal, the applicant's name, the availability of the application for public inspection, and the date, time, and place of the Board meeting at which the application will be considered. Failure on the part of any abutter to receive such notice must not be grounds for delay of any consideration of the application nor denial of the project.

5.2.4 Within 30 days of the receipt of the application the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the applicant.

5.2.5 The Board shall hold a hearing within 30 days after determining it has received a complete application. The Board shall have notice of the date, time, and place of hearing given to the

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applicant and published at least twice in a newspaper having general circulation in the town. The date of the first publication must be at least 7 days before the hearing.

- 5.2.6 Within 30 days of a public hearing or within any other time limit that is mutually agreed to, the Board must make findings of facts on the preliminary application, and approve, approve with conditions, or deny the application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- 5.2.7 When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:
- A. The specific changes which it will require in the final plan;
 - B. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 - C. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
- 5.2.8 Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

5.3 Final Plan Review Process

- 5.3.1 Within 6 months after the approval of the preliminary plan, the applicant must apply for approval of the final plan at least 15 business days prior to a scheduled meeting of the Board. If the application for the final plan is not submitted within 6 months after preliminary plan approval, the Board may require resubmission of the preliminary plan, except as stipulated below. The final plan must approximate the layout shown on the preliminary plan, plus any changes required by the Board.
- 5.3.2 If an applicant cannot submit the final plan within 6 months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline must be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board must make findings that the applicant has progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.
- 5.3.3 At the meeting at which an application for final plan approval is initially presented, the Board will issue a dated receipt to the applicant.
- 5.3.4 Within 30 days of receipt of the final plan application, the Board must determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board must notify the applicant of the specific additional material needed

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

- 5.3.5 If the Board decides to hold a public hearing, it must hold the hearing within 30 days of determining it has received a complete application, and must publish a notice of the date, time, and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least 7 days before the hearing. In addition, the notice of the hearing must be posted in at least 3 prominent places within the municipality at least 7 days prior to the hearing.
- 5.3.6 Upon a determination that the application for a major subdivision is complete, the Board must notify the road commissioner, police chief, fire chief, school superintendent, and any other appropriate official of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family buildings. These officials may be asked to comment upon their department's capacity to serve the proposed subdivision.
- 5.3.7 Before the Board grants approval of the final plan, the applicant must meet the performance guarantee requirements contained in Section 10, as applicable.
- 5.3.8 Within 30 days from the public hearing or within 60 days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., Sec. 4404 and the standards of this Ordinance. If the Board finds that all the criteria of the statute and the standards of this ordinance 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 the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

5.4 Preliminary Plan Mandatory Application Requirements

The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver of request, and is granted a waiver from the submission requirement by the Board, pursuant to Section 8.1 waiver of Submission Requirements. All materials must be delivered to the Board or their designee at least 15 business days prior to the regularly scheduled meeting, for the application to be placed on the Board's agenda. The Board may require additional information to be submitted if necessary to determine that the criteria of Title 30 M.R.S.A., Sec 4404 are met.

<i>Preliminary Plan Application Requirements</i>
1. Completed application with applicant and record owner signatures, the application fee, and establishment of escrow account (if required)
2. Proposed name of the subdivision, name of the town(s) in which it is located
3. Name and contact information of record owner, applicant, and all involved in the plan
4. Written evidence of right, title, or interest in the parcel
5. A copy of the most recently recorded deed for the tract

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6. Deed references, existing and proposed deed restrictions, covenants, easements, rights-of-way, or other encumbrances or conditions affecting the property, including any public rights for physical or visual access to the shoreline of a water body.	
7. <u>Location Map</u> (not more than 1-inch equals 500 ft) that clearly shows the relationship of the subdivision to adjacent properties, and to locate the subdivision within the Town. The map must show:	
7a.	Existing land uses and subdivisions in the proximity of the proposed subdivision
7b.	Locations and names of existing and proposed roads
7c.	Boundaries and designations of land use districts and shoreland zoning districts
7d.	An outline of the subdivision, any common land, and any remaining property if it is a portion of the owner's entire contiguous holdings
8. Current land use district/zoning of the property, total acreage of the proposed subdivision (including roads) and tax assessor's map and lot number of the property	
9. Wastewater treatment method: for public sewer a written statement from the sanitary district that it has adequate capacity to handle the waste; or where public sewer is not available subsurface wastewater test pit analysis for each lot prepared by a licensed site evaluator	
10. Potable water supply: for public water a written statement from the supplier that there is adequate supply and pressure for the development; or where public water is not available evidence that there is adequate supply and quality for the development. Depending on the situation the Board may require any of the following: letter from a well driller, hydrogeologist, or adjacent property owners.	
11. Evidence of financial and technical capacity to complete the proposed subdivision	
12. Evidence that no timber harvest occurred on the tract within the preceding 5 years in violation of rules adopted pursuant to 12 M.R.S. § 8869(14), as amended	
13. A list of waivers approved by the Board	
14. <u>Preliminary Plan Map(s)</u> . The map may be printed or reproduced on paper, with all dimensions shown in feet, and shall be drawn to a scale of not more than 100 feet to the inch. Subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can be easily read. The following information shall be displayed on the map(s):	
14a.	Name of subdivision or identifying title, and name of the town(s) in which it is located, plus property tax assessor's map and lot numbers
14b.	Date plan was prepared, magnetic and true north point, graphic map scale
14c.	Names and addresses of all abutters, including property owners across any existing road from the subdivision. Include property lines, tax map and lot numbers, and deed references
14d.	Standard boundary survey with complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The entire parcel must be shown, including all contiguous land in common ownership within the last 5 years. Wetland areas shall be delineated on the survey, regardless of size.
14e.	Subdivision layout and size, including parcel size, lots for development, lot size (acres or square feet), lot numbers, building setbacks, lot frontages, rights-of-way, and open space
14f.	Location and boundaries of land use districts, shoreland zoning districts, flood hazard areas (Flood Insurance Rate Map)
14g.	Location and boundaries of all water bodies, wetlands, vernal pools, rivers, streams, and brooks, within or adjacent to the proposed subdivision, include labelled names

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14h.	Location of proposed open spaces to be conserved including vegetative buffers, significant wildlife habitat, unique natural areas, historic or prehistoric sites, and farmland. Areas identified by the Maine Inland Fisheries and Wildlife, Natural Areas Program and Maine Historic Preservation should be identified. The Board may require letters from these agencies on mitigation measures.
14i.	Location and type of vegetative cover, unusually large trees, other essential features
14j.	Location of any buffers, open space, and recreation areas
14k.	Location, names, and dimensions of existing and proposed public and private roads and bridges in or directly adjacent to the subdivision, including estimated sight distances at intersections
14l.	Location, size and connections of existing and proposed water lines, sewer lines, culverts, storm drains, drainage ways and facilities, in or adjacent to the property to be subdivided
14m.	Location of existing or shared community wells and/or shared septic systems
14n.	Location and size of existing and proposed building envelopes (labeled as such)
14o.	Drainage conditions throughout the subdivision. Drainage directions shown with arrows.
15.	Depending on the conditions associated with the proposed subdivision, the following may be required or waived by the Board:
15a.	High intensity soil survey by a registered soil scientist where poor soils are evident and/or if the subdivision proposes high-density development
15b.	Contour intervals specified by the Board, showing elevations in relation to mean sea level, where the terrain may require special consideration (e.g., steep slopes)
15c.	Hydrogeologic assessment prepared by a certified geologist or professional engineer, when: any part of the subdivision is located over a sand and gravel aquifer (Maine Geological Survey); if the subdivision exceeds 20 lots/dwelling units with individual or shared wells and septic systems; or in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality
15d.	An estimate of the amount and type of vehicular traffic to be generated daily and at peak hours, with trip generation rates from the most recent edition of the Trip Generation Manual (Institute of Transportation Engineers). Trip generation rates from other sources may be used if these sources better reflect local conditions.
15e.	Traffic impact analysis for subdivisions expected to carry more than 100 passenger car equivalent trips in the peak hour. Submission of an approved Maine Department of Transportation Traffic Movement Permit (Title 23 Sec 704-A, as amended) may suffice.

5.5 Final Plan Mandatory Application Requirements

Final plan submissions must approximate the layout shown on the preliminary plan plus any recommendations made by the Board and must include the submissions listed in the following table unless the applicant is granted a waiver in accordance with Section 8 Waivers. The Board may require additional information, as necessary, to determine if the criteria of this Ordinance are met (See Section 7 Review Criteria and Standards). Eight copies of the following must be submitted:

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Final Plan Application Requirements

The Final Plan shall consist of one or more maps or drawings drawn at a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can be easily read. Plans must be no larger than 24 inches by 36 inches in size and must have a margin of 2 inches outside of the borderline on the left side for binding and a one-inch margin outside the border along the remaining sides. Space must be reserved on the Plan for endorsement by the Board. One reproducible, stable-based transparency of the recording plan to be recorded at the Registry of Deeds, and 3 full sized paper copies of all the final plan sheets and any supporting documents must be submitted. The original reproducible plan must be embossed with the seal of the professional land surveyor and be signed by that individual. In addition, one copy of the plan must be reduced to a size of 8½ inches by 11 inches or 11 inches by 17 inches for Board members.

The final plan must include or be accompanied by the following submissions of information:

1. Completed final plan application with applicant and record owner signatures, the application fee, and establishment of escrow account, if required
2. Name of subdivision or identifying title, and name of the town(s) in which it is located, plus property tax assessor's map and lot numbers
3. Name and contact information of record owner, applicant, and all involved in the plan
4. Written evidence of right, title, or interest in the parcel
5. A copy of the most recently recorded deed for the tract
6. The date the plan was prepared, north point, graphic map scale
7. Number of acres within the subdivision, location of property lines, existing buildings, watercourses, and other essential physical features
8. Type of sewage disposal. When through a public system, a written statement from the sewer district indicating the sewerage design has been reviewed and approved
9. Type water supply. When through public water supply system, a written statement from servicing district indicating the water system design has been reviewed and approved
10. A written statement from the fire chief approving all fire hydrant locations or other fire protection measures deemed necessary
11. For private subsurface sewage disposal systems, a copy of the test pit analysis for each lot done by a Maine licensed site evaluator or certified soil scientist. Pit locations to be noted on the plan.
12. For existing and proposed private wells, data on the existing ground water quality, either from test wells in the subdivision, from existing wells on neighboring properties, or a well driller, or hydrologist Well locations to be noted on the plan
13. Location of any land use district and zoning boundaries affecting the subdivision
14. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's Flood Insurance Rate Map, delineated on the plan.
15. A copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings
16. Location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the subdivision
17. Location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks, and other open space in or adjacent to the subdivision. The plan must contain sufficient data to allow the location, bearing and length of every street line, and boundary line to be

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<p>readily determined and reproduced upon the ground. These lines must be tied to reference points previously established. The location, bearing and length of street lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproduceable plan shall be embossed with the seal of the professional land surveyor and by signed by that individual.</p>	
<p>18. Detailed design and construction plans for infrastructure, including, but not limited to, roads, traffic signage, parking lots, sidewalks, stormwater infrastructure, fire protection systems, and utilities</p>	
<p>19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the town of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the way open spaces to be retained by the developer or lot owners are to be managed and maintained shall be submitted. These may include lot owners association bylaws and condominium declarations. If proposed streets and/or open spaces or other land is to be offered to the Town, written evidence that the Select Board is satisfied with the legal sufficiency of the written offer to convey title shall be included.</p>	
<p>20. The locations and method of disposal for land clearing and construction debris</p>	
<p>21. For projects located wholly or partially within the wellhead protection area of a public water supply as mapped by the Maine Drinking Water Program, a written statement from the water provider indicating the proposed development will not negatively impact essential operations</p>	
<p>22. When a private community water supply system is proposed, evidence that the system conforms to the Maine Rules Relating to Drinking Water (10-144A CMR 231)</p>	
<p>23. Landscape plan showing the preservation of any existing trees, replacement of trees and vegetation, graded contours, streams, and preservation of scenic, historic, or environmentally significant areas</p>	
<p>24. Description of measures to assure no undue adverse effect to identified significant wildlife habitat, unique natural areas or historic or prehistoric sites. Letters from public agencies, and/or other experts approved by the Board may be submitted as evidence.</p>	
<p>25. Description of any measures to conserve productive farmland</p>	
<p>26. If roads are to remain privately owned, the following must be noted on the final plan: "All roads must remain private roads to be maintained by the developer or lot owners and shall not be accepted or maintained by the Town."</p>	
<p>27. The construction items for which cost estimates and performance guarantees will be required to include a construction schedule, cost estimates accounting for inflation, provisions for inspections, and a completion date after which the developer will be in default and the Town will have access to the funds to finish the construction.</p>	
<p>28. Letters from the Town Manager, public works, fire department, school, water and sewer departments (as applicable) indicating compliance, capacity and any other concerns regarding the subdivision, as required by the Board</p>	
<p>29. Depending on the conditions associated with the proposed subdivision, the following may be required or waived by the Board:</p>	
29a.	<p>An erosion and sedimentation control plan prepared by a qualified professional that details control structures to be installed along with ongoing maintenance procedures and practices to be followed during site preparation, construction, and clean-up stages</p>
29b.	<p>Stormwater control plan designed in conformance with "Stormwater Management for Maine: Best Management Practices" Manual (MDEP), January 2006, or most recent edition</p>

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29c. Stormwater drainage plan for any project that proposes to direct stormwater into the municipal stormwater drainage system
29d. Phosphorus control plan for a subdivision to be located all or part within the direct watershed of a great pond (e.g., Sebec Lake, Branns Mill Pond, Garland Pond, or Snow's Pond)

5.6 *Final Approval and Filing*

- 5.6.1 No plan shall be approved by the Board if the applicant is in violation of the provisions of a previously approved subdivision plan within the Town.
- 5.6.2 Upon findings of fact and a determination that the standards in 30-A, M.R.S. § 4404, as amended, and this Ordinance have been met, the Board must vote to approve the subdivision and sign the final plan. The Board must specify in writing its findings of fact and conclusions, and reasons for any conditions or denial. One copy of the signed plan must be retained by the CEO and the Board for its permanent records. Copies must be forwarded to the Dover-Foxcroft Property Tax Assessors. Any subdivision not recorded in the Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Board shall become null and void.
- 5.6.3 No changes, erasures, modifications, or revisions shall be made to any final plan after Board approval, unless the Board approves the revised plan in accordance with Section 9 of this Ordinance. The Board must make findings and conclusions of law that the revised plan meets the criteria of 30-A, M.R.S. § 4404, as amended, and the standards of this Ordinance. If a plan is recorded without complying with this requirement, it must be considered null and void, and the Board must institute proceedings to have the plan stricken from the records of the Piscataquis County Registry of Deeds.
- 5.6.4 Board approval of a subdivision plan must not constitute or be evidence of any acceptance by the Town of any road, recreation area, easement, or other open space shown on such plan. The Board must require the final plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Select Board covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- 5.6.5 Failure to complete substantial construction (see definitions) of the subdivision within 5 years of the date of approval and signing of the final plan must render the plan null and void. The Board may grant an extension of up to 2 years for a phased subdivision. Upon determining that a subdivision approval has expired under this paragraph, the Board must have a notice placed in the Piscataquis County Registry of Deeds to that effect.

Section 6 Conservation/Cluster Housing Subdivisions

- 6.1 Purpose:** The Board may approve a proposed conservation/cluster housing subdivision located in the Rural Residential and Farm and Forest Districts. These provisions allow flexibility in the design of a subdivision in exchange for the creation of permanent open space that can include passive recreation areas, environmentally sensitive areas, critical natural resources, agriculture, silviculture, and significant scenic resources. These provisions also seek to promote more efficient use of land, resulting in a smaller network of utilities and streets. Notwithstanding

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provisions of the Land Use Ordinance, the Board may allow conservation/cluster housing subdivisions to have smaller lots, more housing units per acre, greater lot coverage, smaller road frontages, reduced lot line setbacks to permit flexibility in approaches to housing, building layout, and environmental design. This shall not be construed as granting variances.

6.2 *Application Procedures and Submission Requirements*

- 6.2.1 Applications for conservation/cluster housing subdivisions shall follow the permitting procedures, standards, review criteria and other requirements applicable to conventional subdivisions within this Ordinance.
- 6.2.2 Applicants are encouraged to submit two sketch plans at the preapplication sketch plan meeting with the Board: one showing the lot layout as a conventional subdivision and the second showing the proposed lot layout as a conservation/cluster housing subdivision indicating the open space and other significant features to be preserved.
- 6.2.3 Site Plan. The proposal shall have an overall plan for site development that identifies the location of all buildings, footpaths, roads, services, parking, and common open space. The developer shall take into consideration all requirements of this section and of other relevant sections of this Ordinance. Each building shall be an element of an overall plan for site development.

6.3 *Standards and Requirements*

- 6.3.1 The subdivision parcel must be at least 10 acres in size.
- 6.3.2 The minimum lot size shall be at least 20,000 square feet, and the residential units per acre may be based on the Maine Subsurface Wastewater Disposal Law.
- 6.3.3 The minimum road frontage on a public road shall be at least 100 feet per lot.
- 6.3.4 All residential structures in the subdivision must be located at least 250 feet away from the seasonal high-water mark of a great pond and the Piscataquis River.
- 6.3.5 At least 50% of the entire parcel to be subdivided must be permanently conserved as open space as described below. Open space shall not include buildings or other structures (e.g., playground, tennis court, golf course, swimming pool, etc.), road rights of way, streets, drives, parking, storm water facilities, or portions of the lot located in the shoreland zoning resource protection zone.
- 6.3.6 Shared subsurface disposal systems may be permitted in designated open space areas provided the requirements of the Maine Plumbing Code are met, including appropriate provisions for legal obligations related to maintenance and replacement. Underground utilities may also be allowed.
- 6.3.7 Non-intensive outdoor recreational activities which do not require modifications or improvements to the land other than access points or trails for passive recreation are permitted in the open space.
- 6.3.8 Open space shall be contiguous, where possible, to allow linking of open space areas on adjacent properties.
- 6.3.9 Further subdivision of the open space and its use for other than the open space uses specified shall be prohibited.

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- 6.4 Density Bonus** In exchange for the dedicated open space the Board may grant a density bonus to allow an increase in the maximum allowable number of housing units per acre, when it determines the proposal meets the purposes stated in Sec. 6.1. The number of permitted dwelling units on a site can be increased by up to 25%.

Density Bonus and Open Space Calculations

1. Calculate “*buildable acreage*” of the subdivision parcel by subtracting out unbuildable acreage (roads, streets, wetlands, waterbodies, resource protection areas, etc.).
2. Take “*minimum allowed lot area per dwelling unit*” (See Table 2.6 Land Use Ordinance)
3. Divide the “*buildable acreage*” by the “*minimum lot area per dwelling unit*” to get the “*maximum dwelling units allowed*” on the parcel (without the density bonus).
4. Multiply “*dwelling units allowed*” by .25 to get the “*number of density bonus units.*”
5. Add the “*dwelling units allowed*” and the “*density bonus units*” to get the “*maximum number of dwelling units plus the density bonus units*” for the subdivision parcel.

Example: 100-acre parcel minus 10 acres unbuildable land equals 90 acres buildable.

Divide the 90 acres by the allowed 2 acres per unit to get 45 dwelling units for the parcel before the density bonus.

Calculate 25% density bonus by multiplying 45 times .25 which equals 11 units.

Add 45 dwelling units to 11 dwelling units to get a total of 55 total dwelling units for the subdivision parcel.

Open Space is 50% of the parcel, or 50 acres.

So, 55 dwelling units could be developed on the 40 acres of buildable land for the parcel.

6.5 Dedicated Open Space

- 6.5.1 Dedicated open space must be owned, preserved, and maintained as required by any of the following mechanisms or combinations thereof:
- A. Dedication of open space to the Town or a suitable land trust if either is willing to accept the dedication.
 - B. Dedication of development rights of open space to a suitable land trust with ownership by a private individual or lot owners association.
 - C. Ownership of the open space by a lot owners association which assumes full responsibility for its maintenance with open space protection deed restrictions enforceable by any landowner in the subdivision, any owner of separate land parcels abutting the open space, or the Town
 - D. Ownership by a private individual with open space protection deed restrictions enforceable by any landowner within the subdivision, any owner of separate land parcels abutting the open space, or the Town. This option may apply only if open space is part of an existing farm, working or not, if there is a future intent to farm by the owner and no land trust is willing to accept dedication of development rights of the open space.

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- 6.5.2 When dedicated open space is to be owned by an entity other than the Town, there shall be a conservation easement deeded to the Town prohibiting future development.
- 6.5.3 Dedicated open space may include:
- A. Passive recreation areas
 - B. Environmentally sensitive areas (e.g., wetlands, wildlife habitats, floodplains, steep slopes)
 - C. Critical natural resources (e.g., wildlife and native plant habitats)
 - D. Significant scenic resources – those viewable from public places
 - E. Agriculture
 - F. Silviculture
- 6.5.4 The dedicated open space shall be shown on the final plan with notations on the plan to indicate:
- A. It shall not be used for future building lots.
 - B. It shall not be further subdivided.
 - B. Which portions of the open space, if any, may be dedicated for acceptance by the Town.

Section 7 Review Criteria and Standards

Purpose: The following review criteria are found in 30-A, MRS. § 4404. The standards clarify and expand upon the review criteria. In all instances, the burden of proof is on the applicant to present information that, in the judgment of the Planning Board (Board), sufficiently demonstrates conformance with these review criteria and standards. This must not be construed as limiting the authority of the Board to require additional evidence or impose additional standards based on characteristics of the site or development.

Findings of Fact and Conclusions of Law. In issuing its decision, the Board must make written findings of fact and conclusions of law relative to the review criteria and standards contained in this Ordinance. If the Board finds that all criteria and standards of this Ordinance have been met, it shall approve the final plan. If the Board finds that any of the provisions of this Ordinance have not been met, the Board must either deny the application or approve the application with conditions to ensure all the criteria and standards shall be met.

7.1 Sufficient Water Supply

7.1.1 **Criterion: The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.**

7.1.2 **Criterion: The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.**

7.1.3 Standards:

- A. Dover-Foxcroft Water District: Where the water supply for the subdivision is to be the Water District, the applicant must submit a letter from the Water District superintendent that states the subdivision's service demand will fall within the district's available service capacity, and that the complete water service system will be designed and installed in accordance with the rules and specifications of the district and at the applicant's expense. The Board may require a water line extension and/or line upgrade to serve a major subdivision that is located within 500 feet of an

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existing water district line. The cost of an extension and any associated upgrade shall be borne by the developer, as appropriate.

- B. A subdivision not served by the Water District must be served in accordance with applicable state rules for individual wells or private community water supply systems.
 - 1. Water supplied to lots or units within the subdivision must meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If water supplied to any lot or unit within the subdivision contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact must be disclosed in a note on the final subdivision plan.
 - 2. If there are concerns about the water supply, the Board may require that the applicant provide information to show that it is highly likely that there will be a sufficient, healthful, potable water supply to serve the needs of the subdivision. A letter from a local well driller, or hydrogeologist familiar with the area could be used to demonstrate this.
 - 3. Private Community Water Supply Systems: The water source, source protection measures, and system design, installation and operating procedures must conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231). Documents establishing the ongoing fiscal and operational management must be executed prior to occupancy.
 - 4. Major Subdivisions (additional standards). An applicant for a major subdivision may be required to submit a letter from a hydrogeologist familiar with the area indicating there is a sufficient, healthy water supply to serve the needs of the subdivision. In areas where the Dover-Foxcroft Fire Department has identified the need for additional water storage capacity for firefighting, water storage facilities such as ponds and underground storage tanks, satisfactory to the fire chief, should be provided at the applicant's expense.

7.2 Impact on Groundwater Quality and Quantity

7.2.1 Criterion: *The subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*

7.2.2 Standards:

- A. The subdivision must not pose an unreasonable risk that a discharge of pollutants to groundwater will occur, or that groundwater withdrawals will lower the water table beyond the boundaries of the subdivision.
- B. Individual wells must be constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other potential sources of contamination. Wells will comply with the Maine Subsurface Wastewater Disposal Rules and the Maine Well Drillers and Pump Installers Rules.
- C. Major Subdivisions (additional standards)
 - 1. The Board may require a hydrogeologic assessment prepared by a certified geologist or professional engineer, experienced in hydrogeology, when: a) Any part of the subdivision is located over a sand and gravel aquifer, as identified by the Maine Geological Survey; b) If the subdivision exceeds 20 lots or dwelling units with individual or shared wells and septic systems; or c) In other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality, such as the proposed development will use shared or common subsurface waste water disposal systems.

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3. Drinking water wells and subsurface wastewater disposal systems must 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 must be included as a condition of plan approval, and as restrictions in the deeds to the affected lots.
4. No subdivision shall increase any contaminant concentrations in the ground water to more than one half of the Primary Drinking Water Standards and to more than the Secondary Drinking Water Standards. If contaminant concentrations are higher the applicant shall demonstrate how water quality will be improved or treated.

7.3 Soil Erosion

7.3.1 Criterion: *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.*

7.3.2 Standards:

- A. The subdivision must be designed to prevent soil erosion and sedimentation from entering water bodies, wetlands, public roads, and adjacent properties.
- B. Filling, excavation, and earth moving activity must be carried out in a way that keeps erosion and sedimentation to a minimum.
- C. Stormwater runoff must not have an unreasonable adverse effect on neighboring properties, downstream water quality, soil erosion, or on public roads, culverts, and other infrastructure. On-site absorption of runoff should be used to minimize discharges from the site.
- D. Cutting or removal of vegetation along water bodies must not increase water temperature or result in shoreline erosion or sedimentation
- E. Subdivisions located either totally or partially within a Shoreland Zone must comply with the requirements of the Dover-Foxcroft Shoreland Zoning Ordinance, as amended from time to time.
- F. Major Subdivisions (additional requirements).
 1. The application must include an erosion and sedimentation control plan prepared by a qualified professional that details control structures to be installed, ongoing maintenance procedures, and practices to be followed during the site preparation, construction, and clean-up stages.
 2. The subdivision must comply with the "Erosion and Sedimentation Control and the Maine Erosion and Sediment Control Best Management Practices", Maine Department of Environmental Protection, 2003, or most current edition, as required by state law.

7.4 Traffic Conditions

7.4.1 Criterion: *The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.*

7.4.2 Standards:

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- A. Provision must be made for vehicular and pedestrian access to the subdivision and circulation within the subdivision to safeguard against hazards to traffic and pedestrians on existing roads and within the subdivision, to avoid traffic congestion on any road, and to provide safe and convenient circulation on public roads and within the subdivision.
- B. State Entrance/Driveway Permit. If the proposed subdivision requires driveways or road entrances onto a federal, state or state aid highway, the applicant must provide documentation indicating that the driveways or entrances conform to Maine Department of Transportation (MDOT) Chapter 299, Highway Driveway and Entrance Rules, as amended.
- C. If the proposed subdivision requires a MDOT Traffic Movement Permit (23 M.R.S. § 704-A), the applicant must submit evidence of permit approval from the MDOT.
- D. Where a lot has frontage on 2 or more public roads, the primary driveway or subdivision entrance from the lot(s) will be provided from the road where there is less potential for traffic hazards and congestion. The Board may waive this requirement when there are aspects of the site, such as topography, which would make this not practicable.
- E. Driveway entrances onto public roads or private roads in a subdivision must provide a minimum sight distance in both directions of 10 feet per mile per hour of the speed limit (e.g., 25 MPH speed limit = 250 feet sight distance in both directions) or be in accordance with the Maine Department of Transportation standards, to the maximum extent practicable.
- F. All driveway entrances and exits shall be kept free of visual obstructions higher than 3 feet above street level for 25 feet measured along the intersecting driveway and street lines to provide visibility for entering and leaving vehicles.
- G. The parking guidelines in Section 17.15.4 Parking of the Land Use Ordinance shall be used to determine the amount of parking needed for a proposed subdivision. Consideration for existing public parking, the potential for shared parking, and snow removal should be used in evaluating the need for off-street parking as part of a subdivision.
- H. Roads and streets shall be constructed and upgraded as required in Appendix A.
- I. Major Subdivisions (additional standards)
 - 1. The road providing access to the subdivision and neighboring roads and intersections which will carry traffic generated by the subdivision must have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. The Board may require a traffic impact analysis for subdivisions that are expected to carry more than 100 passenger car equivalent trips in the peak hour. Submission of an approved Maine Department of Transportation Traffic Movement Permit (Title 23 Sec 704-A, as amended) must be provided, as applicable.
 - 2. Where a major subdivision abuts a state highway no individual lot shall have direct vehicular access directly onto the state highway. This requirement must be noted on the final plan and in deeds of any lot with frontage on the state highway.
 - 3. Any subdivision containing 20 lots/units or more must have at least two connections with existing public roads or streets in an approved subdivision plan for which performance guarantees have been filed and accepted.
 - 4. Subdivision and driveway entrances must have sufficient capacity to avoid queuing of entering vehicles on any public road. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the Board may require the applicant to provide turning lanes, traffic directional islands, and traffic controls within public roads.

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5. Sidewalks must be durable and designed to interconnect with existing sidewalks, parking, and other pedestrian destinations. The Board may require the reservation of space for sidewalks or sidewalk easements where it appears they may be needed in the future.
6. Where topographic and other conditions allow, provision must be made, and noted on the plan, for connections to adjoining lots of similar existing or potential use.

7.5 Sewage Disposal

7.5.1 **Criterion: The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.**

7.5.2 Subsurface Wastewater Disposal: A subdivision to be served by individual subsurface wastewater disposal systems, or by a common collection and subsurface disposal system, or other treatment system must be in full compliance with the Maine Subsurface Wastewater Disposal Rules. The applicant must submit evidence of site suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the Maine Subsurface Wastewater Disposal Rules.

7.5.3 Municipal Wastewater System: All sanitary sewage to be discharged into the municipal sewage collection and treatment system must comply with the Dover-Foxcroft Sewer Ordinance¹. The application must include a letter from the Dover-Foxcroft Wastewater Department approving the connection to the municipal system and indicating that there is sufficient capacity to serve the subdivision. The Board may require that the subdivision, if within 500 feet of an existing public sewer main connect to the public sewer at the developer's expense. The applicant may also be required to pay for any upgrades to the system made necessary by the proposed subdivision.

7.5.4 Central Subsurface Wastewater Collection Systems designed by a Maine certified hydrogeologist may be used in conformance with the Maine Subsurface Wastewater Disposal Rules and the following:

- A. Provisions for the ownership, maintenance, future replacement, and liability of the central collection system shall be developed.
- B. An ownership association shall be required whenever different owners use a common disposal system. Deed covenants for each lot or owner shall require mandatory membership in the association.

7.6 Solid Waste

7.6.1 **Criterion: The proposed subdivision will not cause an unreasonable burden on the Town's ability to dispose of solid waste if municipal services are to be utilized.**

7.6.2 Standard: The subdivision must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity. The applicant must provide a description of how solid waste, including demolition waste, will be disposed of. The Board may require a letter from the Town Manager regarding the ability of the Town's solid waste and recycling services to absorb the additional materials.

¹ The Town adopted a sewer ordinance in 2010 that requires the owner of any habitable building situated within the service area and within 200 feet of an existing public sewer main to connect to the public sewer.

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7.7 *Aesthetic, Cultural and Natural Values*

7.7.1 ***Criterion: The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.***

7.7.2 Standards:

- A. Subdivisions must be designed to retain and conserve important open spaces, and natural and cultural resources to the greatest extent practicable.
- B. Any existing or proposed public or private rights for physical or visual access, including access to the shoreline of a water body, must be depicted on the Plan, and must be described in the deed or deeds of any lot or other parcel within the subdivision that benefits from or is subject to such access rights.
- C. Major Subdivisions (additional standards):
 1. The Board may require up to a 10-foot increase in minimum setbacks from property lines to allow for buffers to protect adjacent homes from higher density subdivision development. The buffer may consist of fences, berms, landscaping, and/or existing natural vegetation that will effectively screen at least 80% of the higher-density subdivision. This buffer shall be maintained throughout the life of the project. See also Section 7.11 in the Land Use Ordinance.
 2. The Board may require a landscape plan that shows the preservation and/or replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally significant areas. The Board may require notes on the final plan and deed restrictions, as necessary to ensure the required landscaping is maintained in the future.
 3. The Board may require the reservation of common open space (as defined) to conserve cultural or natural resources, and/or to provide for the recreational needs of the occupants of the subdivision. Land reserved for common open space purposes must be of a character, configuration, and location suitable for the particular use intended. A mechanism for long-term maintenance of the common land must be established by the applicant.
 4. Letters with recommendations from applicable agencies (e.g., Dover-Foxcroft Historical Society, Maine Historic Preservation, Maine Natural Areas Program, and the Maine Department of Inland Fisheries and Wildlife) may be required based on the resources present. The Board may require that any restrictions to protect historic and prehistoric sites, unique natural areas, or significant wildlife habitat appear as notes on the Plan and as deed restrictions to the affected lots.

7.8 *Farmland*

7.8.1 ***Criterion: All farmland within the proposed subdivision shall be identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.***

7.8.2 Standards:

- A. All areas of farmland of 5 or more acres must be identified on the plan drawings. Farmland is defined by state statute as any area of 5 or more acres of land that is classified as prime farmland,

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unique farmland, or farmland of statewide importance by the United States Department of Agriculture Natural Resource Conservation Service or is used to produce agricultural products as defined in 7 M.R.S. § 152(2).

- B. Subdivisions should be configured to preserve farmland to the maximum extent practicable by minimizing development on productive farmland, or that divides a single field, or otherwise reduces the ease with which farmland can be farmed.

7.9 Financial and Technical Capacity

7.9.1 Criterion: *The developer has adequate financial and technical capacity to meet the standards of this Ordinance.*

7.9.2 Standards:

- A. The applicant must demonstrate the availability of financial resources sufficient to implement the proposed subdivision plan. The Board may consider cost estimates for implementation of the plan, letters from prospective sources of financing, the proposed time frame for construction, and performance guarantees required of the applicant, as applicable. (See Section 10 Performance Guarantees and Inspection of Required Improvements)
- B. The applicant must demonstrate the qualifications of the owner, contractors, and consultants, who will supervise, construct, and inspect the improvements of the subdivision, as applicable. The Board should consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the number and nature of any violations of previous approvals granted to the applicant, if any.
- C. The Board must not approve an application from a person who is in default on a previously approved subdivision or commercial development plan.
- D. Major Subdivision (additional standards)
 - 1. The applicant must make provision for long-term maintenance of all land and facilities proposed for the general benefit of occupants of the development including but not limited to common open space, landscaping, drainage systems, private roads and parking lots, community recreation facilities or sewerage systems.
 - 2. Within a residential subdivision, common land and facilities must be placed under the ownership of a lot owners association to be formed prior to the sale of lots. Division of interests or fractional ownership of common property is prohibited. Articles of incorporation and bylaws for a lot owners association must be submitted to the Town prior to final review. Articles of incorporation must require mandatory membership of all owners of property within the subdivision. Bylaws must provide mechanisms for management and maintenance of common property, including provision for allocating costs among property owners and mandating payment. A transition arrangement must be provided, with the developer responsible for maintenance until enough lots have been sold to support the association.

7.10 Floodplain Management

7.10.1 Criterion: *The subdivision shall be evaluated 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,*

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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.

- 7.10.2 Standards: When any part of a subdivision is in a special flood hazard area as identified by the Federal Emergency Management Agency (FEMA), the following must apply:
- A. The applicant must determine the 100-year flood elevation, and the flood hazard boundaries must be shown on the subdivision plan.
 - B. All public utilities and facilities, such as septic, gas, electrical, water systems, stormwater systems, must be located and constructed to minimize or eliminate flood damage.
 - C. The subdivision plan must include a statement that all principal structures must be constructed with their lowest habitable floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction must be included in any deed, lease, purchase and sales agreement, or document transferring or expressing the intent to transfer any interest in real estate or structure.
 - D. The plan must meet the requirements of the Town's Floodplain Management Ordinance.

7.11 Freshwater Wetlands, Rivers, Streams and Brooks

- 7.11.1 ***Criterion: All freshwater wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of these wetlands.***
- 7.11.2 ***Criterion: 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 § 480-B, sub§9.***
- 7.11.3 Standards: Every wetland, river, stream, or brook within or abutting the proposed subdivision must be identified and depicted on the subdivision plan. Wetland boundaries must be delineated in the field in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.

7.12 Stormwater Management

- 7.12.1 ***Criterion: The proposed subdivision will provide for adequate stormwater management.***
- 7.12.2 Standards:
- A. Adequate provision must be made for managing the quantity and quality of stormwater generated within the subdivision, including the collection and disposal of runoff from proposed roads, parking areas, and other impervious surfaces. Stormwater may be retained using vegetation and other natural features of the site. Stormwater must not create adverse impacts on public roads, public properties, water bodies, or on abutting or downstream properties.
 - B. The "Maine Stormwater Best Management Practices Manual" shall be used in determining how best to manage stormwater in the subdivision.

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- C. Applications for subdivisions that require a state permit (Site Location of Development Law or the Stormwater Management Law) must include evidence that the applicant has received the applicable permit(s).
- D. For projects involving structural treatments, such as detention ponds, a Stormwater Maintenance Agreement that describes how the stormwater facilities will be maintained through the course of their projected life, must be submitted at the time of application.
- E. When stormwater is directed offsite, adequate provision shall be made for disposal of all storm water and any drained groundwater through a management system of swales, culverts, under-drains and storm drains. Stormwater runoff control systems and features shall be maintained to ensure proper functioning.
- F. The stormwater drainage shall not overload existing or future planned stormwater drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to the existing drainage system required to handle the increased storm flows.
- G. The developer shall not increase or obstruct the flow of drainage into any ditch or drainage structure existing on any road or other location within the jurisdiction of the Town by the construction of any development including a driveway, entrance, or road.
- H. Any project that proposes to direct stormwater into the municipal stormwater drainage system shall submit a Stormwater Drainage Plan that shows the amount stormwater anticipated, the direction of the flow of stormwater, and the design of the stormwater facilities proposed. Written evidence that the Plan has been approved by the Town Manager must be submitted with application.
- I. Major Subdivisions (additional standards). A stormwater control plan designed by a professional engineer shall be submitted for all major subdivisions. All stormwater features shall be designed in conformance with the “Stormwater Management for Maine: Best Management Practices Manual”, published by the Maine Department of Environmental Protection, January 2006, or most recent edition. A stormwater control plan developed according to the requirements of the Maine Department of Environmental Protection Regulations, Chapter 500, Stormwater Management shall be deemed to be a suitable equivalent to these standards.

7.13 Spaghetti Lots Prohibited (Shoreland Zoning Areas)

7.13.1 **Criterion: If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in 38 M.R.S. § 480-B, none of the lots created within the subdivision will have a lot depth to shore frontage ratio greater than 5 to 1, unless other provisions of this Ordinance are more restrictive.**

7.13.2 Standard: See Section 7.19 Conformance with Local Ordinances and Plans; 7.19.3, B.

7.14 Surface Waters and Outstanding River Segments (Piscataquis River) and Great Ponds (e.g., Branns Mill Pond, Garland Pond, Sebec Lake, Snow's Pond)

7.14.1 **Criterion: Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B or the Town's Shoreland Zoning Ordinance, the proposed subdivision will not**

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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 subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of the outstanding river segment of at least 500 feet.
 - 1. To avoid circumventing the intent of this provision, whenever a subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the subdivision must be reviewed as if lot lines extended to the shore.
 - 2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter 1, article 2-B. "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.
- B. All proposed subdivisions must comply with the Town's shoreland zoning ordinance.

7.15 Lake Phosphorus Concentration

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

7.15.2 Standards: If the proposed subdivision is to be located all or part within the direct watershed of a great pond (e.g., Sebec Lake, Branns Mill Pond, Garland Pond, or Snow's Pond) the following apply:

- A. The subdivision shall be designed to minimize phosphorus runoff through general restrictions on disturbance of the land and limits on impervious areas, and the placement and size of building envelopes. Buffers, rain gardens and other low impact development techniques shall be utilized. The Board may require a description and/or drawing of the phosphorous control plan.
- B. Major Subdivision (additional requirement). The Board may require that the application demonstrate that the export of phosphorous will be consistent with the standards of the Maine Department of Environmental Protection manual "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development", most current edition. In calculating the allowable level of phosphorous import, a "moderate" level of lake water quality protection is to be assumed. Reference Chapter 6 of the Stormwater BMP Manual, Vol. II, for more details.

7.16 Impact on Adjoining Municipality

7.16.1 ***Criterion: For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.***

7.16.2 Standard: When a proposed subdivision crosses municipal boundaries, the Board must conduct a review parallel to the review of the adjoining municipality which may include a joint meeting. If either municipality requests a traffic study or traffic impact analysis by the applicant, the study must be made available to both review authorities.

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7.17 *Lands Subject to Liquidation Harvesting*

7.17.1 **Criterion: Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S. § 8869, sub-§14, adopted by the Maine Forest Service to substantially eliminate liquidation harvesting.**

7.17.2 Standards:

- A. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. "Liquidation harvesting" means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years, and "parcel" means a contiguous area within the town owned by one person or a group of persons in common or joint ownership.
- B. The Board may use the following table to decide if a violation has occurred, and if the assistance of a forester is needed.

Questions to assess if liquidated harvesting has occurred.	Yes/ No	Optional Additional Data	Action
1. Has the parcel changed ownership within 5 years prior to the date of the subdivision application?		Date of last conveyance:	"No" – end of review "Yes" - Proceed to question 2
2. Has timber been harvested on the parcel within 5 years prior to the date of the subdivision application?		Indicate date of last timber harvest:	"No" – end of review "Yes" - Proceed to question 3
3. Did the timber harvesting result in a rule violation (pursuant to Title 12, section 8869, subsection 14) based on a request for technical assistance from the Department of Conservation, Bureau of Forestry? If Bureau has not agreed to assist proceed to next question.		Date request forwarded to MFS: Date MFS indicated ability to provide technical assistance:	"No" – end of review "Yes" - Deny Subdivision
4. Has a violation occurred based on a determination that is certified by a forester licensed pursuant to Title 32, chapter 76? <u>Note:</u> Applicant to obtain this information and provide to the town.		Date of determination by MFS or forester licensed pursuant to Title 32, chapter 76:	"No" – end of Criterion 20 review "Yes" - Deny Subdivision

7.18 *Pollution*

7.18.1 **Criterion: The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board must at least consider: 1) the elevation of the land above sea level and its relation to the floodplains; 2) the nature of soils and subsoils and their ability to**

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adequately support waste disposal; 3) the slope of the land and its effect on effluents; and 4) the applicable state and local health and water resource rules and regulations.

7.18.2 Standards

A. Water Pollution

1. The proposed subdivision will meet all applicable water quality control standards of the Maine Department of Environmental Protection.
2. Water supplied to lots or units within the subdivision must meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If water supplied to any lot or unit within the subdivision contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact must be disclosed in a note on the final subdivision plan.

- B. Air Pollution. The proposed subdivision will meet any applicable air pollution regulations of the Maine Department of Environmental Protection.

7.19 *Conformance with Local Ordinances and Plans*

7.19.1 ***Criterion: The proposed subdivision is in conformance with the duly adopted plans and ordinances for the Town of Dover-Foxcroft. In making this determination, the Board may interpret these ordinances and plans.***

7.19.2 Standard: The proposed subdivision must conform to the Land Use Ordinance, Shoreland Zoning Ordinance, Floodplain Management Ordinance, Comprehensive Plan, and any other ordinances and plans, as applicable.

7.19.3 Standards: The proposed subdivision will meet the following requirements.

- A. If a lot on one side of a stream, public 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 or road to meet the minimum lot size. For the purposes of subsection 7.19 "stream" is defined as waterways as labeled on the Dover-Foxcroft Shoreland Zoning Map.
- B. The ratio of lot length to lot width must not be more than three to one. The lot size ratio must not be construed to prohibit the grant of a strip or rights necessary to gain access to rear lots however, systems of odd, shaped lots such as flag lots in which narrow strips are joined to other parcels to meet minimum lot size requirements or to circumvent the lot size ratio are prohibited. The distances used to determine the lot size ratio must be the longest straight distance between any two principal turning points in the lot as compared to the shortest distance between any two principal turning points where a principal turning point is defined as one with a deviation in course of more than thirty degrees. For lots greater than 40 acres in size, the allowable lot size ratio must not be more than five to one. (Land Use Ordinance)

7.20 *Access to Direct Sunlight*

7.20.1 ***Criterion: Encourage the protection of access to direct sunlight for solar energy systems.***

7.20.2 Standard: Encourage the layout of lots and orientation of new roads on an east-west axis to allow for building siting with maximum exposure of roof and wall area to the sun. The slope of the

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property and the nature and location of existing vegetation as they affect solar access should also be considered.

Section 8 Waivers

8.1 Waivers of Certain Submission Requirements

The Board may waive certain submission requirements where there are special circumstances of the development, or where the application is simple and minor in nature, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purposes of this Ordinance.

8.2 Waivers of Certain Improvements

The Board may waive certain required improvements where there are special circumstances of the development such that the required improvements are not requisite to providing for the public health, safety, and welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, provided the waivers do not have the effect of nullifying the intent and purposes of this Ordinance.

8.3 Requirements for Waivers

When granting waivers, the Board may set conditions so that the purposes of this Ordinance are met. The Board must make a written record of waivers granted and the reasons for granting them to be made a part of the decision. When the Board grants a waiver to any of the improvements required by this Ordinance, the final plan, to be recorded in the Piscataquis County Registry of Deeds, must indicate the waiver(s) granted and the date on which they were granted.

Section 9 Revisions to Approved Plans

9.1 Procedure and Scope of Review

- 9.1.1 If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval must be followed.
- 9.1.2 If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary and final plan approval must be followed.
- 9.1.3 The scope of review must be limited to those portions of the plan proposed to be changed.

9.2 Submissions

The applicant must submit a copy of the approved plan as well as 8 copies of the proposed revisions, with enough supporting information to allow the Board to determine if the proposed revisions meet the standards of this Ordinance. The revised plan must indicate it is the revision of a previously approved and recorded plan and must show the title of the subdivision and the

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book and page or cabinet and sheet on which the original plan is recorded at the Piscataquis County Registry of Deeds.

Section 10 Performance Guarantees and Inspection of Improvements

10.1 Performance Guarantees

10.1.1 Application

- A. Improvement Guarantee. The Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 10.1.2 below, as is reasonably necessary to ensure the proper installation of all improvements required as conditions of approval. The nature and duration of the guarantee must be structured to achieve this goal without adding unnecessary costs to the applicant. The performance guarantee must be approved as to form and enforceability by the Town Manager or their appointed representative.
- B. Upon substantial completion of all required improvements, the developer must notify the CEO of the completion or substantial completion of improvements and must send a copy of such notice to the Town Manager. The CEO must inspect all improvements and must file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
- C. The Town Manager must approve, partially approve, or reject the improvements based on the report of the CEO or other designated individual or expert.
- D. If the improvements are approved, the guarantee must be released. Where partial approval is granted, the developer must be released from liability only for that portion of the improvements approved.

10.1.2 Types of Guarantees. The applicant must provide one of the following types of performance guarantees with the application for final plan approval. The performance guarantee must be for an amount adequate to cover up to 120% of the total construction costs of all required improvements, considering the timespan of the construction schedule and the inflation rates for construction costs. Agreement on the amount of the guarantee must be a condition of approval for the application.

- A. Cash Collateral Account. An account may be opened in the name of the Town of Dover-Foxcroft at any FDIC insured financial institution. The account may be a savings account, or certificate of deposit. The Town of Dover-Foxcroft must be named as the owner of the account and the Town must have the exclusive right to withdraw funds pursuant to the provisions of this Ordinance. Any interest earned on the account must be returned to the applicant unless the Town has found it necessary to use such interest to complete the required improvements which the Town must have the right to make under this Ordinance.
- B. Performance Bond. A performance bond issued by a surety company licensed to do business in the State of Maine must be made payable to the Town of Dover-Foxcroft and approved by the Town Manager. The performance bond must detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the Town. The bond documents must specifically reference the development for which approval is sought.

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- C. Letter of Credit. An irrevocable letter of credit from an FDIC insured financial institution from which the Town of Dover-Foxcroft may draw if construction is inadequate as determined by the Town Manager. The letter of credit must detail the conditions, the method for calling on the letter or portions of the letter to the applicant, and the procedures for collection by the Town. The letter of credit documents must specifically reference the development for which approval is sought.

10.2 Inspection of Required Improvements

- 10.2.1 At least 5 days prior to commencing construction of required improvements, the developer must:
 - A. Notify the CEO in writing of the time when they propose to commence construction of such improvements, so the Town Manager can arrange for inspections to assure all Town specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Town.
 - B. Deposit with the Town Manager a check for 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus must be refunded to the developer as appropriate. If the inspection account must be drawn down by 90%, the developer must deposit an additional 1% of the estimated costs of the required improvements.
- 10.2.2 If the CEO finds upon inspection of the improvements any of the required improvements have not been constructed in accordance with the plans and specifications filed by the developer, the CEO must so report in writing to the Town Manager, Board, and the developer. The Select Board must take any steps necessary to assure compliance with the approved plans.
- 10.2.3 If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the CEO is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock or natural springs. The CEO must issue any approval under this section in writing and must transmit a copy of the approval to the Board and Town Manager. Revised plans must be filed with the Board and Town Manager. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, the developer must obtain permission from the Board to modify the plans in accordance with Section 9 Revisions to approved plans.
- 10.2.4 At the close of each construction season the Town must, at the expense of the developer, have the site inspected by the CEO. By December 31st of each year during which construction was done on the site, the CEO must submit a report to the Board and the Town Manager based on that inspection, addressing whether stormwater and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report must also include a discussion and recommendations on any problems which were encountered.
- 10.2.5 Prior to the sale of any lot, the developer must provide the Board with a letter from a professional land surveyor, stating all monumentation shown on the plan has been installed.
- 10.2.6 Upon completion of road construction and prior to a vote by the Select Board to submit a proposed public way to a Town Meeting vote, a written certification signed by a professional engineer must be submitted to the Town Manager at the expense of the applicant, certifying the

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proposed public way meets or exceeds the design and construction requirements of this Ordinance. If there are any underground utilities, the servicing utility must certify in writing they have been installed in a manner acceptable to the utility. "As built" plans must be submitted to the CEO.

- 10.2.7 The developer must be required to maintain all improvements and provide for snow removal on roads and sidewalks until acceptance of the improvements by the Town, or control is placed with a lot owners association.

Section 11 Violations and Enforcement

- 11.1 No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Piscataquis County Registry of Deeds until a final plan has been approved by the Board in accordance with this Ordinance.
- 11.2 A person shall not convey, offer, or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Piscataquis County Registry of Deeds.
- 11.3 A person shall not sell, lease, or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- 11.4 No public utility, water district, sewer district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.
- 11.5 Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this Ordinance and recorded in the Piscataquis County Registry of Deeds.
- 11.6 No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.
- 11.7 Until such a time as the Town accepts a proposed public way or until a lot owners association is active, the subdivider is responsible for the maintenance of streets.
- 11.8 Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S., §4452.

Section 12 Appeals

An appeal may be taken by any party, within 30 days of the Board's decision on the Recording Plan, to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

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Appendix A. Road Standards for Subdivisions and Other Developments

Road/Street Design and Construction Standards

A.1 Streets shall be designed and constructed to meet the standards in Table A as determined by the Planning Board in coordination with the Select Board or their designee.

Classification Definitions: Street means a right-of-way intended for use of motorized vehicles as well as non-motorized transportation and includes such ways as streets, roads, and highways, both public and private ways.

Arterial street. Major trafficways for travel between and through towns.

Collector street. Feeders to arterial streets, collecting traffic from minor streets for circulation and access.

Industrial/commercial street. Streets primarily for access to abutting industrial and commercial properties with intensive truck and automobile use.

Minor street. Streets used primarily for access to abutting residential and small non-residential properties.

Table A. Minimum Design Standards for Roads/Streets				
	Collector Streets	Minor Streets	Industrial/ Commercial Streets	Private Streets in Conservation /Clustered Housing Developments
1. Right-of-way width	66'	50'	66'	50'
2. Travel way (pavement width)	30'	24'	30'	18'
3. Shoulder width:				
- No curbs	4.5'	4'	4.5'	2'
- With curbs	0'	0'	0'	0'
4. Minimum grade	0.5%	0.5%	0.5%	0.5%
5. Maximum grade	8%	8%	8%	8%
6. Minimum centerline radius on curves	200'	150'	200'	100'
7. Minimum tangent between curves of reverse alignment	200'	50'	200'	50'
8. Roadway crown for paved streets (½ inch/foot for gravel roads)	¼ inch/foot	¼ inch/foot	¼ inch/foot	¼ inch/foot; ½ inch/foot if gravel
9. Minimum angle of intersection	60°	60°	60°	60°
10. Minimum distance between street intersections:				
- Same side	400'	300'	400'	300'
- Opposite side	250'	150'	250'	150'

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Table A. Minimum Design Standards for Streets (continued)				
	Collector Streets	Minor Streets	Industrial/ Commercial Streets	Private Streets in Conservation /Clustered Housing Developments
12. Curb radii:				
- 90-degree intersections	20'	20'	20'	20'
- 60- to 90-degree intersections	30'	30'	30'	30'
- 90- to 120-degree intersections	40'	30'	40'	40'
13. Minimum property line radii at intersections	10'	10'	10'	10'
14. Dead-end streets: *				
- Maximum total length		2,500'	1,200'	2,500'
- Radii at turnaround:				
--- Property line (minimum)		70'	70'	70'
--- Pavement (minimum)		55'	55'	55'
- "T" turnaround dimensions (only allowed for private streets, or for minor streets in subdivisions as a temporary measure for approved phased development):				
--- Minimum radius of transition from road to "T" turnaround				40'
--- Angle at which "T" lies to the road				90°
--- Minimum width of "T"				18'
--- Minimum length of "T," centered on the centerline of the road leading to the "T"				75'
15. Sidewalk:				
- Sidewalk width	5'	5'	Industrial: 5'; Commercial: 6'	5'
- Gravel base course	12"	12"	12"	12"
- Surface pavement***	2"	2"	2"	Not required
- Number of sidewalks	1	1	1	1
16. Roads:				
- Aggregate subbase**	14"—18"	14"—18"	18"—24"	12"
- Crushed aggregate base**	0"—4"	0"—4"	0"—6"	6"
- Hot bituminous pavement***	3½"	3½"	3½"	Not required
- Binder course***	2"	2"	2"	Not required
- Type C finish course***	1½"	1½"	1½"	Not required
Notes: (see next page)				

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* The maximum length for dead-end streets is to provide for a distance limit from a point where a road blockage would restrict or prohibit access by emergency vehicles, school buses, delivery services and the like to the structures in the development.

**Total subbase and base: 18 inches for collector, minor and private streets, 24 inches for industrial/commercial streets.

*** Road and sidewalk paving: See Section A.9, below

- A.2 Grades of streets should conform as closely as possible to the original relief of the land. All changes in grade should be connected by vertical curves such as will provide clear visibility for a distance of at least 200 feet.
- A.3 Side slopes shall not be steeper than 3 feet horizontal and 1 foot vertical, graded, loamed (4 inches compacted) and seeded. If the side slope extends outside the required right-of-way, the developer shall expand the right-of-way to include the entire side slope area. All slopes are to be stabilized as soon as possible.
- A.4 All streets shall be provided with adequate drainage facilities to provide for the removal of stormwater and groundwater. Driveway culverts shall be adequate to pass the design flow of the contiguous ditches, but in no case shall culverts be less than 15 inches in diameter. All culverts shall comply with State Department of Transportation Standard Specifications (item 603.03).
- A.5 In construction of roads, the paved area, sidewalk, and shoulder shall be cleared of all stumps, roots, brush and perishable material and all trees not intended for preservation. All loamy material, clay and other yielding material shall be removed from the roadway to at least subgrade depth, or as directed by the Town Manager or their designee.
- A.6 The roadway area shall be brought to the grade shown on the plan, profile, and cross section, by suitable gravel. The subbase gravel shall meet the specifications for type D aggregate subbase courses as outlined in the current edition of the standard specifications for highways and bridges of the State Department of Transportation. The upper base gravel, if required, shall meet the specifications for type A aggregate base courses in the same standards. All gravel is to be installed to State Department of Transportation specifications (items 304.03, 304.04, 304.05).
- A.7 After the upper base gravel has been properly installed, the surface of the roadway can be paved. For 3½ inch hot-mix paved surfaces, the binder course shall consist of 2 inches of State Department of Transportation plant mix grade B with a typical liquid asphalt content between 4.8% and 6.0%. The surface course shall be one and 1½-inch-thick State Department of Transportation plant mix grade C with a typical liquid asphalt content between 5.8% and 7.0%.
- A.8 The Town Manager or their designee may require curbing of streets consisting of bituminous concrete, reinforced concrete, or granite.
- A.9 Streets and sidewalks in “major subdivisions” (defined in Subdivision Ordinance Sec. 5.1.4) and “major developments” (defined in Land Use Ordinance Sec. 6.2) must be paved. Paving of streets and sidewalks may be waived for “minor subdivisions” and “minor developments” if the Planning Board makes the following findings: 1) there will not be any safety hazards to vehicles or pedestrians without pavement; 2) it is unlikely there will be any future expansion of the subdivision or the development due to its location or adjacent land uses; 3) there are no paved

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sidewalks on abutting properties; and 4) the street shall remain privately owned and maintained, which must be stated on the final plans.

- A.10 Wherever possible, underground utilities must be placed in the street right-of-way between the paved roadway and the street right-of-way line to simplify the location and repair of lines when they require attention. The developer may be required to install underground service connections to the property line of each lot within the development for such required utilities before the street is paved.
- A.11 If site conditions require more stringent standards, such standards shall be promulgated by the Town Manager or their designee.
- A.12 The Town will require the following for any new streets constructed in the Town:
1. Written certification from the developer's engineer to prove that the street was built to Town specifications.
 2. Contract documents consisting of three sets of plans and specifications.
 3. Inspection services during construction to ensure compliance with the Town specifications.
- A.13 The developer's proposed street names and lot numbers shall be shown on the application to the Planning Board. Approval by the Select Board shall constitute the assignment of street names and numbers to the lots in the subdivision.
- A.14 Private Streets in Subdivisions and Developments with Multiple Property Owners. The following shall apply where private streets are shared by multiple property owners:
1. The subdivision/development application shall include a maintenance agreement specifying each lot owner's rights and responsibilities with respect to ownership, maintenance, repair, and plowing of the street and the associated sidewalks. After approval by the Planning Board of the final plan, this agreement shall be recorded in the Piscataquis County Registry of Deeds before a building permit is issued.
 2. The maintenance agreement shall require that the private street be always maintained for emergency vehicle access, including a width of at least 20 feet of unobstructed passage and vertical clearance of at least 13.5 feet.
 3. The final subdivision or development plan shall bear a note that states, "The Town of Dover-Foxcroft will not be responsible for the maintenance, repair, plowing, or similar services for the private street(s) or associated sidewalks or pathways shown on this plan."