

TOWN OF LIMERICK
SUBDIVISION ORDINANCE

REVISED

APRIL 2010

TOWN CLERK FILE

ARTICLE 1 Purpose

- 1.1 The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable Town of Limerick, Maine.**

ARTICLE 2 Authority and Administration

2.1 Authority

- 2.1.1 These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., Chapter 454, Section 4956.**
- 2.1.2 These standards shall be known and may be cited as “Subdivision Standards of the Planning Board of the Town of Limerick, Maine.”**
- 2.1.3 The invalidity of any portion of these standards shall not invalidate any other part.**

2.2 Administration

- 2.2.1 The Planning Board of the Town of Limerick, Maine, hereinafter called the Board, shall administer these standards.**
- 2.2.2 The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined to all the land proposed for subdivision as herein defined within the boundaries of the Town of Limerick, Maine.**
- 2.2.3 These standards shall take effect on adoption of the same by the Planning Board and legislative body.**

ARTICLE 3 Definitions

In general, words and terms used in these standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Comprehensive Plan or Policy Statement:

Any part or element of the over-all plan or policy for development of the Town as defined in Title 30 M.R.S.A. Chapter 239, Section 4961.

Construction Drawings:

Means drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross section of streets, miscellaneous structures, etc.

Contiguous Lot:

For the purpose of these regulations, a lot shall be considered to be contiguous if either or both of the following conditions exist:

The lots adjoin, or are coterminous at any point or line.

Easement:

The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer:

Professional Engineer licensed by the State of Maine.

Final Subdivision Plan:

The final drawings on which the sub-divider's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for record with the Municipal Clerk and County Registry of Deeds.

High Water Elevation Line, Normal:

Along lakes and ponds, the elevation at which continuous, contiguous vegetation changes from predominantly aquatic to predominantly terrestrial, and along rivers and streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

High Intensity Soil Survey:

A high-intensity soil survey shall meet the standards of the National Co-operative Soil Survey which contrasts soils down to 1/10 acre or less, at a scale greater than 1" = 1320'. It shall be performed by a soil scientist registered in the State of Maine. The mapping units shall be the soil series. Single test pits and their analyses shall not be considered to constitute high intensity soil surveys.

100 Year Frequency Flood:

The highest level of flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent chance of occurring each year). For the purpose of this regulations, land designated as Flood Hazard Areas on the Flood Hazard Boundary Maps of the Federal Insurance Administration, shall be considered to be within the 100 year frequency flood plain until proven otherwise by the applicant.

Legislative Body:

Town Meeting.

Official Map:

The Official Zoning Map and Shoreland Zoning Map of the Town of Limerick, Maine.

Official Submittal Date:

The time of submission of a Pre-application Plan, Final Plan for Minor Subdivision, Preliminary Plan for Major Subdivision or Final Plan for Major Subdivision shall be considered to be the date written acknowledgement by the Planning Board of the receipt of a completed application.

Pursuant to 30 M.R.S.A. Section 4956, Subsection 2, Paragraph G1, the Planning Board upon receipt of an application shall issue a written dated receipt. Within 30 days of this dated receipt, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if it is incomplete, the specific additional material needed to make a complete application.

After it has been determined that a complete application has been filed, the Planning Board shall notify the applicant (which shall constitute the official submittal).

Person:

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

Preliminary Subdivision Plan:

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

Re-subdivision:

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

Soil Scientist:

A soil scientist, soil engineer or soil geologist registered by the State of Maine.

Street:

The word “street” means and includes such public or private ways as alleys, avenues, boulevards, highways, roads, streets and other right-of-way. The term “street” shall also apply to areas on subdivision plans designated as “streets”, etc.

Subdivision, Major:

Any subdivision containing more than four (4) lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor:

A subdivision containing not more than four (4) lots.

Tract or Parcel of Land:

For the purposes of this ordinance, a tract or parcel of land is defined as all contiguous land in the same ownership, whether or not the tract is separated at any point by: An intermittent or non-navigable stream, tidal waters where there is no flow at low tide, a public road or a private road established by the abutting land owner (s).

ARTICLE 4 Administrative Procedure

4.1 AGENDA

- 4.1.1 Applicants shall request to be placed on the Planning Board’s agenda at least 10 days in advance of a regularly scheduled meeting.**
- 4.1.2 Applicants who attend a meeting but who are not on the Planning Board’s agenda may be heard but only after all agenda items have been completed and then only if a majority of the Board so votes.**

ARTICLE 5 Pre-application

5.1 Procedure

- 5.1.1 The sub divider shall arrange for a joint inspection of the site with the Planning Board.**
- 5.1.2 Prior to the preapplication inspection, the subdivider shall submit for informal discussion a Sketch Plan* and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its determinations.**
- 5.1.3 After such preliminary inspection, the Planning Board shall within 30 days inform the subdivider in writing of the contour interval which will be required for his subdivision plans; and will classify the Sketch Plan into one of two categories as defined herein:

Minor Subdivision

Major Subdivision**
- 5.1.4 If classified as a Minor Subdivision the subdivider shall then comply with the procedure outlined in Article 6 of these standards. If classified as a Major Subdivision the subdivider shall comply with procedures outlined in Article 7 and Article 8 of these standards.**
- 5.1.5 The Planning Board shall determine whether the Sketch Plan complies with these standards and shall, where it deems necessary, make specific suggestions in writing to be incorporated by the applicant in his subsequent submissions.**

5.2 Submissions

- 5.2.1 The Sketch Plan shall show, in simple sketch form on a topographic map the proposed layout of streets, lots, and other features in relation to existing conditions.**

5.2.2 The Sketch Plan shall include data on existing covenants, high-intensity soil survey and soil interpretation log sheets, available community facilities and utilities, information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed utilities and street improvements.

***(See Appendix VI and VII for sample Sketch Plan and Survey Map)**

ARTICLE 6 Review and Approval of Minor Subdivision

6.1 Procedure

6.1.1 Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Final Plan. * Failure to do so shall require resubmission of the Sketch Plan. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations or changes agreed to by the Planning Board.

~~**6.1.2. All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee of \$25 payable by check to the Town of Limerick, Maine, stating the specific purpose of the fee. If a public hearing is deemed necessary by the Board, an additional fee of \$15 shall be paid by the applicant to cover additional costs.**~~

March 11, 2005 Passed to replace Article 6.1.2 with the following reading:

6.1.2 As determined by the Limerick Planning Board, all fees and costs to the Town associated with the review of an application for a Minor Subdivision will be charged to the applicant.

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

6.1.4 The Planning Board shall within 30 days of a public hearing or within 60 days of receipt of a completed application, if no hearing is held, approve, modify and approve, or disapprove the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval.

6.2 Submissions

6.2.1 The final subdivision plan for a Minor Subdivision shall consist of one original and three copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch, which shall be legibly reproduced on a durable material or clearly drawn in India ink on linen, and the size of the sheets shall be 8 ½ x 11 inches or a multiple thereof, but in no case larger than 24x36 inches. Such sheets shall have a margin of two(2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The application for approval of a Minor Subdivision shall include all the information presented on the Final Plan plus the following:

- 1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.**
- 2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan.**
 - (See Appendix x for sample Final Plan)**
- 3) When connection to the district system is possible, the developer shall install a complete sewerage collection system consistent with the specifications and pipe size requirements of the sewer district.**
- 4) All proposed on-site sewage disposal systems and / or water supply facilities shall be designed to meet the minimum specifications of these standards and all pertinent State and local codes. Compliance shall be stated on the plan and signed by a licensed civil engineer.**
- 5) When connection to the district system is possible, the developer shall install a complete water system including mains, gates, valves, etc., consistent with the specifications and pipe size requirements of the water district.**
- 6) If an on-site water supply is proposed, the developer must submit materials which will reasonably satisfy the Planning Board that pertinent State and local code specifications will be met.**
- 7) Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located.**

8) The date, north point, both a written and graphic scale, name and address of record owner and subdivider, and names of adjoining property owners.

9) Street construction shall meet the requirements of these standards and be approved by the Selectmen.

ARTICLE 7 - Preliminary Plan for Major Subdivision

7.1 Procedure

7.1.1 Within six months after classification of the Sketch Plan as a Major Subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan * for a Major Subdivision. Failure to do so shall require resubmission of the Sketch Plan. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations or changes agreed to by the Planning Board.

~~**7.1.2 Fee Schedule**—The application for conditional approval of the Preliminary Plan shall be accompanied by a fee of \$50 payable by check to the Town of Limerick, Maine.~~

March 11, 2005 Passed to delete 7.1.2 and replace 7.1.2 to read as follows:

As determined by the Limerick Planning Board, all fees and costs to the Town associated with the review of an application for a Major Subdivision will be charged to the applicant.

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

7.1.4 A public hearing may be held by the Planning Board in accordance with Title 30, S.R.S.A., Ch.454, Sec. 4956. All abutters shall be notified and if the subdivision is located within five hundred (500) feet of Limerick's border. The adjacent town's governing body shall also be notified.

7.1.5 When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the

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

7.1.6 Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

*** (see Appendix ix for sample Preliminary Plan.)**

7.2 Submissions

7.2.1 Location Map*

The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show: 1. all the area within two thousand (2,000) feet of any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the Location Map is at least five hundred (500) feet from any boundary of the proposed subdivision.

7.2.2 Preliminary Plan

The Preliminary Subdivision Plan shall be submitted in four (4) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, showing or accompanied by the following information:

- 1) Proposed subdivision name or identifying title and the name of the Municipality.**
- 2) Name and address of record owner, subdivider and designer of Preliminary Plan.**

- 3) Number of acres within the proposed subdivision location of property lines, existing easements, buildings, watercourses and other significant existing physical features.**
- 4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.**
- 5) The name or designation of the Zoning District applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.**
- 6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.**
- 7) The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the subdivider.**
- 8) Contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more. (See Appendix viii for sample Location Map)**
- 9) A soils report and high intensity soils survey prepared and signed by a soils scientist registered in the State of Maine identifying the soils names and soils boundaries in the proposed development.**
- 10) Typical cross-sections of the proposed grading for roadways and sidewalks. All streets shall conform to the Town of Limerick Street Standards.**
- 11) Date, true north point and both a written and graphic scale.**
- 12) Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.**
- 13) When connection to the district system is possible the developer shall install a complete water system, including mains, gates, valves, etc.,**

consistent with the specifications and pipe size requirements of the water district.

- 14) If an on-site water supply is proposed, the developer must submit materials which will reasonably satisfy the Planning Board that pertinent State and local code specifications will be met.
- 15) When connection to the district system is possible, the developer shall install a complete sewerage collection system consistent with the specifications and pipe size requirements of the sewer district.
- 16) All proposed on-site sewage disposal system and/or water supply facilities shall be designed to meet the minimum specifications of these standards and all pertinent State and local codes. Compliance shall be stated on the plan and signed by a licensed civil engineer.
- 17) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
- 18) Preliminary designs of any bridges or culverts which may be required.
- 19) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- 20) The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- 21) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 22) The location of all natural features or site elements to be preserved.
- 23) A soil erosion and sediment control plan containing the endorsement of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission.

Article 8 Final Plan For Major Subdivision

8.1 Procedure

March 11, 2005 Passed to delete the last sentence of 8.1.1.

8.1.1 The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan* in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. ~~All applications for Final Plain approval for Major Subdivisions shall be accompanied by a fee of \$25 payable by check to the Town of Limerick, Maine.~~

8.1.2 If the proposed subdivision in any way fails within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Protection, the approval of the State of Maine, Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.

8.1.3 Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:

- 1) The Limerick Water District if existing public water service is to be used, or**
- 2) The State of Maine, Department of Human Services if the subdivider proposes to provide a central water supply system, or**
- 3) A civil engineer registered in the State of Maine if individual wells serving each building site area are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the Department of Human Services.**
- 4) Such approval shall be secured before official submission of the Final Plan.**

8.1.4 Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

- 1) The servicing Sanitary Sewer District if existing public disposal systems are to be used, or**
- 2) The State of Maine, Department of Human Services, if a separate central sewage collection and treatment system is to be utilized, or if individual septic tanks are to be installed by the developer, or (see Appendix X for sample Final Plan)**

3) The Maine Department of Environmental Protection if the municipal system to be utilized is inadequate by State standards and the waste generated is of a “significant” nature, or if the waste is to be discharged, treated or untreated, into any body of water.

4) Such approval shall be secured before official submission of the Final Plan.

8.1.5 In accordance with Title 30, M.R.S.A. –Ch. 454- Section 4956, a public hearing may be held by the Planning Board.

8.1.6 Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Town Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Selectmen and Town attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall set forth in the bind time within which required improvements must be completed. The certified check or bond shall include an amount required for recreation land or improvements as specified. The applicant shall present, as part of his completed application, a copy of the receipt from the Town Clerk. Provisions for phasing road construction and subdivision development are contained in Paragraph 11.9.2.

8.1.7 The Planning Board shall, within thirty (30) days from the public hearing or within 60 days of receiving a completed application, if no hearing is held, approve, modify and approve or disapprove the Final Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board.

8.2 Inspection of Required Improvements

8.2.1 At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Building Inspector in writing of the time when he proposes to commence construction of such improvements so that the Selectmen can cause inspection to be made to

assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

8.2.2 If the Building Inspector shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Selectmen and the Planning Board. The Selectmen shall then notify the subdivider and if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.

8.2.3 If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Building Inspector that foreseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Building Inspector may, upon approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Building Inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

8.2.4 The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

8.3 Submissions

8.3.1 The Final Plan shall consist of four copies of one or more maps or drawings which shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:

- 1) All information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.**
- 2) The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.**
- 3) Lots and blocks within the subdivision numbered in accordance with local practice.**
- 4) Permanent reference monuments shown thus: "X." They shall be**

constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.

8.3.2 There shall be submitted to the Planning Board with the Final Plan:

- 1) Written offers of cession to the Town of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.
- 2) Written evidence that the Selectmen are satisfied with the legal sufficiency of the documents referred to in Paragraph 8.3.2.1, above. Such written evidence shall not constitute an acceptance by the Town of any public open space referred to in Paragraph 8.3.2.1), above.
- 3) A performance bond to secure completion of all improvements required by the Board and written evidence that the Selectmen are satisfied with the sufficiency of such bond.
- 4) Copy of the receipt for fee paid to the Town Clerk for Final Plan.

8.4 Final Approval and Filing

8.4.1 Upon completion of the requirements in Articles 7&8 above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Selectmen. The Plan shall then be filed with the York County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.

8.4.2 At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Selectmen and Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Selectmen, Planning Board and the subdivider.

8.5 Plan Revisions after Approval

8.5.1 No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the Town records and the Registry of Deeds.

8.6 Public Acceptance of Streets

8.6.1 The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, or easement, shown on such Plan.

ARTICLE 9 Enforcement

See Title 30, M.R.S.A., Section 4956, Paragraph 4. (Reproduced in the Appendix to these Standards, pages I-iv.)

ARTICLE 10 General Requirements

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

10.2 Subdivision Plan shall conform to Comprehensive Plan

10.2.1 Any proposed subdivision shall be in conformity with a Comprehensive Plan and policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

10.3 Relationship of Subdivision to Community Service

10.3.1 Any proposed subdivision may be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will include a list of the

construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not limited to:

Schools, including busing
Road maintenance and snow removal
Police and Fire Protection
Solid Waste Disposal
Recreation facilities
Runoff water disposal drainage ways and/or
Storm sewer enlargement with sediment traps

10.3.2 The Board may further require the developer of a Major Subdivision to provide accurate cost estimates to the town for the above services, and the expected tax revenue of the subdivision.

10.4 Retention of Proposed Public Sites and Open Spaces

10.4.1 Depending on the size and location of the subdivision the Board may require the developer to provide up to 10% of his total area for recreation. It is desirable that areas reserved for recreation be easily accessible from all lots within the subdivision.

10.4.2 Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended.

10.5 Preservation of Natural and Historic Features

10.5.1 The Board may require that a proposed subdivision design include landscape plan that will show the preservation of some existing trees, the replacement of trees and vegetation, graded contours, streams and preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

10.6 Land Not Suitable for Development

10.6.1 The Board shall not approve such portions of any proposed subdivision that:

1) Are located within the 100-year frequency flood plain as identified by an authorized Federal State agency, or when such identification is not available, are located on flood plain soils identified and described in the National Cooperative Standard Soil Survey, unless the applicant shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least two (2) feet above the 100 year frequency flood. (Elevation not to include filled or made land), or if the applicant presents materials which insure:

2) i. That proposed developments are consistent with the need to minimize flood damage.

ii. that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage.

iii. that adequate drainage is provided so as to reduce exposure to flood hazards.

iv. that new or replacement water supply systems and / or Sanitary Sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water, and require that on-site waste disposal systems be located so as to avoid impairment of them or contamination from them during flooding.

v. that construction within the 100 year flood plain conforms to the Town Ordinance for Building Permit selection Procedure for Flood Hazard Areas.

3) Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection and treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled or drained Great Ponds (natural body of water 10 acres or more in size).

4) For the purpose of Section 10.6.1.3), the boundary of a body of water shall be defined as the one hundred (100) year flood plain line of that body of water as defined by the U.S. Army Corps of Engineers.

5) For the purpose of Section 10.6.1.4), a body of water shall be defined to include, but shall not be limited to, marshes, brooks, streams, estuaries, rivers, ponds, lakes. Questions as to whether or not an area constitutes a body of water shall be determined by the Planning Board.

10.7 Blocks

10.7.1 The length, width and shape of blocks shall be determined with due regard to:

- 1) Zoning requirements as to lot sizes and dimensions.**
- 2) Needs for convenient access, circulation, control and safety of street traffic.**

10.7.2 In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4-foot wide path be included. The Planning Board shall require the subdivider to provide a mechanism for the proper maintenance of any such easement.

10.8 Lots

10.8.1 Land that is not suitable for construction as delineated in Section 10.6. or by reason of being wetlands as defined by the State or Federal law, shall not be included in the calculation of the lot area.

10.8.2 Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.

10.8.3 The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage conforming to zoning requirements in effect at time of subdivision.

10.8.4 Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

10.8.5 Side-lot lines shall be substantially at right angles or radial to street lines.

10.8.6 Where a tract is subdivided into lots substantially larger than

the minimum size required in the Zoning District in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit or prohibit future resubdivision in accordance with the requirements contained in these standards.

10.8.7 If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum requirement 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 of these standards, or for the purposes of on-site disposal.

10.9 Easements of Natural Drainage Ways

10.9.1 Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than 30 feet in width.

10.10 Utilities

10.10.1 The size, type and location of public utilities, such as street lights, electricity, telephone, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.

10.11 Required Improvements

10.11.1 Monuments, street signs, streets, sidewalks (when appropriate), water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provision of these standards.

10.11.2 Monuments

1) Permanent monuments shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections and points of curvature.

2) Monuments shall be stone, granite, concrete, or metal pipe located in the ground at final grade level, and indicated on the Final Plan.

March 9, 1990 Passed: Shall the Following amendment be made to the “Limerick Zoning Ordinance”?

Section 10.12 Additional Standards for Certain Subsurface Waste Disposal Systems.

10.12.1 Whenever a subsurface waste disposal system is proposed to be located on a lot or a mobile home park lot, as defined by 30-M.R.S.A. section 4358, sub-(1) (B-1), with an area less than one and one-half acres, the subdivider shall present an analysis, prepared by a competent professional, showing that projected post development nitrate-nitrogen concentration, measured at the lot line, will not exceed 5.0 milligrams/liter.

10.12.2 In the case of mobile home park lots served by a common subsurface disposal system, the nitrate-nitrogen, projected concentrations shall not exceed 5.0 milligrams per liter measured at any wells within the mobile home park, at the mobile home park boundaries, or at a distance of 1000 feet from potential contamination points, whichever is a shorter distance.

Article 11 Street Design and Construction Standards

11.1 General Procedures and Requirements

11.1.1 Upon receipt of an application for subdivision approval which includes proposed streets, the Planning Board shall confirm, in writing, the classification of the proposed streets. In addition, the Planning Board shall notify the Selectmen and the Road Commissioner of said application and its classification, and shall request a review and comment of the proposed street plans.

11.2 Street Classification Definitions

11.2.1 Collector Street: A Collector Street shall be defined as a street servicing at least 15 units of residential development, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

11.2.2 Minor Street: A Minor Street shall be defined as a street servicing less than 15 units of residential development.

11.3 Street Design Standards

11.3.1 Proposed streets shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of the Preliminary Plan.

1) All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provided safe vehicular travel while discouraging movement of through traffic.

2) The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such street. Grades of streets shall conform as closely as possible to the original topography.

3) In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a ten (10) foot easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.

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

5) Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) Purposes." It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

6) Subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map as such exists, or streets on an approved Subdivision Plan for which a bond has been filed.

11.3.2

The following design standards apply according to street classifications:

<u>Description</u>	<u>Type of Street</u>	
	<u>Collector</u>	<u>Minor</u>
Minimum Right of way Width	50'	50'
Minimum Pavement Width	22'	20'
Sidewalk Width	4'	4'
Minimum Grade	0.5%	0.5%
Maximum Grade	6.0%	10%
Minimum Centerline Radius	200'	150'
Minimum Tangent Between Curves of Reverse Alignment	200'	200'
Roadway Crown	¼ " /ft.	¼" /ft.
Slope of Shoulder from Pavement	½" /ft.	½" /ft.
Slope of Sidewalk from Street	1/8" /ft.	1/8" /ft.
Minimum Angle of Street Intersections	60 degrees	60 deg.
Maximum Grade at Intersection (within 75' of Intersection)	3%	3%
Minimum Curb Radii at Intersection 90 degrees	20'	15'
Minimum Width of Shoulders (each side)	4'	4'
Minimum Sight Distance (in all directions)	200'	100'

11.3.3 The centerline of the roadway shall be the centerline of the right-of-way.

11.3.4 Dead-end Streets shall be constructed to provide a turn-around with the following requirements for radii. To the property line 65'; to the outer edge of pavement 50', to the inner edge of pavement 30'.

11.3.5 Intersections, and Sight Distances

1) Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.

2) Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level two (2) feet higher than the center line of the street. If desired, ground shall be excavated to achieve visibility.

11.4 Street Construction Standards

11.4.1 Minimum thickness of materials after compaction:

<u>Street Materials</u>	<u>Minimum Requirements</u>	
	Collector	Minor
Aggregate Sub-base Course (Max. sized stone – 4")	18"	18"
Crushed Aggregate Base Course	3"	3"
Hot Bituminous Pavement (after compaction)		
Total Thickness (after compaction)	2 ½ "	2 ½ "

Liquid Asphalt: Two applications of asphalt applied at not less than 1 gallon per square yard each.

Hot Bituminous Pavement conforming to the standards set herein shall be used on all streets within town or village centers. Hot Bituminous Pavement also shall be used on heavily trafficked streets, through streets, and where deemed necessary by the Planning Board. Liquid Asphalt may be used in more rural areas where traffic volume is low and where through traffic is minimal. The final determination of the paving materials shall be made by the Planning Board.

11.4.2 Preparation

Tree stumps and other organic materials shall be removed to a depth of 2 feet below the sub-grade of the roadway. Rocks and boulders should also be removed to depth of 2 feet below the subgrade of the roadway. Soils which are designated as being Poor or Very Poor for road fill by the “Soil Suitability Guide for Land Use Planning in Maine,” as revised in February, 1975 shall be removed from the street site to a depth of two (2) feet below the subgrade and shall be replaced where necessary with soils listed by the Soil Suitability Guide as being good and fair for road fill.

Side slopes shall not be steeper than a slope of 3 feet horizontal to 1 foot vertical, graded fertilized and seeded with a conservation mix meeting the standards of York County Soil and Water Conservation District.

11.4.3 Pavement

Pavement Joints: 1. Where payment placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical joint, which joint shall be sealed with liquid tar. 2. Joints shall be overlapped not less than 6” with the application of successive layers.

11.5 Storm Drainage Design Standards

11.5.1 Adequate provision shall be made for disposal of all storm water collected in streets and areas tributary to the street system and underground water through ditches, culverts, underdrain and / or storm water drainage system.

All storm water systems shall be designed to meet the criteria of a twenty year storm based on rainfall data from the weather bureau records in Portland. Asphalt coated steel culverts and asphalt coated steel pipes or equivalent shall

be used where drainage is required.

11.5.2 Existing or future down stream drainage requirements shall be studied to determine the effect on proposed drainage . The applicant shall demonstrate that the storm drainage will not, in any way, overload existing or future storm drainage systems downstream from the proposed development.

11.6 Storm Drainage Construction Standards

11.6.1 All material utilized for storm drain construction shall be in conformity with State of Maine Specifications for Highways and Bridges, revision 1968, or latest revision thereof.

11.6.2 General Construction Requirements

- 1) Trenching shall be accomplished in accordance with all appropriate state and federal safety requirements.**
- 2) Manholes shall be provided at abrupt changes in alignment, and at all junctions. In straight runs, manholes shall be placed at a maximum of 400 feet intervals.**
- 3) Outlets shall be terminated in an endwall of concrete construction, or shall be rip-rapped, or other appropriate measures taken, to prevent erosion.**

11.7 Additional Improvements and Requirements

11.7.1 Cleanup: Following street construction, the developer or contractor shall conduct a through cleanup of stumps and other debris from the entire road or street right-of-way.

11.7.2 Street Name, Street Signs, and Street Lights: Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bare phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Planning Board. Street name signs shall be furnished and installed by the developer. The type, size, and location shall be subject to the approval by the Planning Board. Street lighting shall be installed as required by the Planning Board. All such streets shall be

designated as private ways by the use of a sign in accordance with Paragraph 11.7.2.

11.8 Design and Construction Plans

11.8.1 Prior to the commencement of each major phase of construction, the Building Inspector shall be notified.

11.8.2 Upon completion of street construction and prior to a vote by the Selectmen to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered with the State of Maine shall be submitted to the Selectmen at the expense of the applicant, certifying that the proposed town way meets the design and construction requirements set forth herein.

11.9 Performance Bonds

11.9.1 At the time of the approval of the application, the applicant shall tender either a certified check payable to the Town or a performance bond payable to the Town issued by a surety company in the amount of 100 percent of the cost of street construction, which includes furnishing installing, connecting and completing all grading, paving, storm drainage and utilities specified in the application. The bond shall be for a period of one year or such other period as the Planning Board may determine to be appropriate.

11.9.2 The Planning Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision road which is covered by performance quarantines. When development is phased, road construction shall commence from the public way. Final approval of house lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to the first phase of development.

11.9.3 Prior to the release of such check or bond, the Planning Board shall determine to its satisfaction, in part by the written certification required

pursuant to Section 11.8.2, that the proposed street meets the design and construction requirements set forth herein.

Article 12 Release of Guaranty Check or Bond

12.1 Before a subdivider may be released from obligation required by his guarantee of performance, the Board shall require certification from the Municipal Engineer or appointed engineer, and whatever other agencies and department that may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and Local Codes and Ordinances.

Article 13 Variances and Waivers

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

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

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

ARTICLE 14 Appeals

14.1 An appeal from a decision of the Planning Board may be taken to a General Board of Appeals if one has been established by the municipality in accordance with Title 30, M.R.S.A. Chapter 213, Section 2411, or to the Superior Court.

**APPENDIX
STATE OF MAINE
M.R.S.A. TITLE 30, CH. 454, SEC. 4956 (L.D. 1800)**

**AN ACT Relating to Municipal Regulation of Land Subdivisions.
R.S.T. 30, Sec. 4956, repealed and replaced. Section 4956 of Title 30 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:**

Sec. 4956 Land Subdivisions

1. Defined. A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of an interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section. In determining whether a tract or parcel of land is divided into 3 or more lots,

the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of said first 2 lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a 3rd lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least 5-years prior to such 2nd dividing. Lots of 40 or more acres shall not be counted as lots. For the purposes of this section, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

2. Municipal review and regulation.

A. Reviewing authority. All request for subdivision approval shall be reviewed by the municipal officers, hereinafter called the municipal reviewing authority.

B. Regulations. The municipal reviewing authority may, after a public hearing, adopt additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of such hearing.

C. Record. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

C-1. Upon receiving an application, the municipal reviewing authority shall issue to the applicant a dated receipt. Within 30 days from receipt of an application, the municipal reviewing authority shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

D. Hearing Order. In the event that the municipal reviewing authority determine to hold a public hearing on an application for subdivision approval, it shall hold such hearing within 30 days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The municipal reviewing authority shall, within 30 days of a public hearing or within 60 days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in subsection 3 and to satisfy any other regulations adopted by the reviewing authority, and to protect and to protect and preserve the public's health, safety and general welfare. In all instances the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the foregoing criteria.

3. Guidelines. When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the municipal officers, shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoil's and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents: and the applicable state and local health and water resources regulations.**
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;**
- C. Will not cause an unreasonable burden on existing water supply, if one is to be utilized;**
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;**
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;**
- F. Will provide for adequate sewage waste disposal;**
- G. Will not cause an reasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;**
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;**
- I. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and**
- J. The subdivider has adequate financial and technical capacity to meet the above state standards.**
- K. Whenever situated, in whole or in part, within 250 feet of any pond, lake,**

river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

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

3-A Access to direct sunlight. The Planning Board, agency or office or the municipal officers may, for purposes of protecting and assuring access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use controls.

4. Enforcement. No person, firm, corporation or other legal entity may sell, lease or convey for consideration, offer or agree to sell, lease or convey for consideration any land in a subdivision which has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and recorded in the proper registry of deeds. The term “permanent marker” includes but is not limited to the following: A granite monument, a concrete monument, an iron pin or a drill hole in ledge. No subdivision plat or plan shall be recorded by any register of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district. Sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation or other legal entity who sells , leases or conveys for consideration, offers or agrees to sell, lease or convey for consideration any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1,000 for each such sale, lease or conveyance for consideration, offering or agreement. The Attorney General, the municipality, the Planning Board of any municipality or the appropriate municipal officers may institute proceedings to enjoin the violations of this section and if a violation is found by the court, the municipality, municipal Planning Board or the appropriate municipal officers may be allowed attorney fees.

5. Exemptions. This section shall not apply to proposed subdivisions approved by the Planning Board or the municipal officials prior to

September 23, 1971 in accordance with laws then in effect not shall it apply to subdivisions as defined by this section in actual existence on September 23, 1971 that did not require approval under prior law or to a subdivision as defined by this section, a plan of which had been legally recorded in the proper registry of deeds prior to September 23, 1971. The division of a tract or parcel as defined by this section into 3 or more lots and upon all of which lots permanent dwelling structures legally existed prior to September 23, 1971 is not a subdivision.

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