



# Subdivision Ordinance of the Town of Northport

Enacted 3/2/1986  
Amended 4/11/1989  
Amended 5/4/2009  
Amended 6/19/2023

Attested: \_\_\_\_\_  
Amy Eldridge

Date: \_\_\_\_\_

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## **SECTION I: GENERAL PROVISIONS**

### **A. Title**

This Ordinance shall be known and be cited as the "Subdivision Ordinance of the Town of Northport, Maine," and will be referred to herein as the "Ordinance."

### **B. Authority**

This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine and in accordance with the provisions of Title 30-A, MRSA, Section 4403, as amended.

### **C. Applicability**

The provisions of this Ordinance shall apply to subdivisions as defined by this Ordinance and by Title 30-A, MRSA, Section 4401, as amended. The current statute is reproduced in part below.

"...Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings, or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. ..."

"... A division accomplished by devise, condemnation, order of the court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection."

#### D. Conflict with Other Ordinances

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the more restrictive requirements shall govern.

#### E. Supersedure

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict. The Subdivision Ordinance in effect at the time that this Subdivision Ordinance is enacted is hereby repealed. Provided, however, that all lawfully adopted ordinances or parts thereof shall remain in full force and effect with respect to any violation thereof in existence at the time of adoption of this Ordinance and provided further that any such violation shall be deemed a violation of this Ordinance and subject to its terms and provisions.

#### F. Severability

In event that any section, subsection or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

#### G. Amendments

The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

##### 1. Initiation

A proposal to amend this Ordinance may be initiated by:

- a. The Planning Board, by majority vote;
- b. The Select Board, through a request to the Planning Board; or
- c. The Public, through a written petition signed by at least twenty-five (25) residents registered to vote in the Town of Northport.

##### 2. Process of Adoption

The process to be followed in adopting an amendment to this Ordinance is as follows:

- a. Proposed amendments must first be submitted to the Planning Board for their consideration.

- b. The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment.
- c. Notice of the public hearing shall be given by the Town of Northport pursuant to usual procedures and practices.
- d. The Planning Board shall make its recommendation to the Select Board following the public hearing.

#### H. Effective Date

The provisions of this Ordinance shall become effective the day of their enactment.

### **SECTION II: PURPOSES**

The purposes of this Ordinance are as follows:

#### A. Protect the General Welfare

To assure the comfort, convenience, safety, health and welfare of the citizens of Northport;

#### B. Protect Environment

To protect the natural resources from undue adverse impacts and to integrate new development harmoniously into the Town's natural environment;

#### C. Promote Community Development

To promote the development of an economically sound and stable community;

#### D. Balance Property Rights

To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance;

#### E. Reduce Fiscal Impact

To provide the means for evaluating subdivision proposals for their fiscal impact on the municipality's ability to provide and improve necessary public facilities and services;



## F. Establish Procedures and Standards

To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; and to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them.

## **SECTION III: ADMINISTRATION**

### A. Administering Body

The Planning Board of the Town of Northport, hereinafter called the Board, shall administer this Ordinance.

### B. Approval Required

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

### C. Application Required

Applications for approval shall be submitted in writing on forms provided. The Board may require the submission of additional information as necessary to determine compliance with the provisions of this Ordinance.

### D. Permits To Be Acquired Before Approval

Applications for approval under this Ordinance will not be considered complete for processing until evidence has been provided to the Board that all other required local, state, and federal permits have been acquired.

### E. Commencement and Completion of Work

Construction activities on subdivisions for which approval has been granted under this Ordinance shall commence within six (6) months of the date of approval and shall be completed within eighteen (18) months.

Construction activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the prior approval issued under this Ordinance shall be considered void unless an extension has been granted by the Board.

Construction activities may be extended for up to twelve (12) months at a time by the Board upon a showing of good cause where a written request setting forth the reasons for the extension is submitted not later than (30) days prior to the pending commencement or completion date.

#### F. Certification of Construction Required

No building permits shall be issued until such time as the Code Enforcement Officer has received and accepted a certificate from a professional engineer licensed in the State of Maine stating that road construction is complete and meets the requirements of this Ordinance.

#### G. Conditions of Approval

The Board may in approving applications attach such reasonable and appropriate terms and conditions, in addition to those required elsewhere in this Ordinance. Such terms and conditions may include, but are not limited to, specifications for:

1. Specific sewage or other waste disposal facilities;
2. Specific water supply facilities;
3. Landscaping and planting screens;
4. Location of piers, docks, parking areas and signs; and
5. Any other term or condition of approval necessary to fulfill the purposes of this Ordinance.

Violation of any of these terms or conditions shall be considered a violation of this Ordinance.

#### H. Public Hearings

In scheduling public hearings under this Ordinance, the Board shall notify the Applicant at least twenty (20) days in advance of the date, time and place of the hearing. The Board shall publish notice of the hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places. The first notice shall appear at least seven (7) days in advance of the hearing. In addition to the above, postings by electronic means may be made.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The Applicant's case shall be presented first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked only through the Chair. All persons at the hearing shall abide by the order of the Chairperson of the Board.

Whenever a public hearing is held pursuant to this Ordinance, the matters in that hearing may be carried over until the next regularly or specially scheduled meeting of the Board for further public hearing without affecting any decisional deadline applicable to the Board.

Ten (10) days after the public hearing, the administrative record shall close. Within thirty (30) days of the public hearing, the Board shall reach a decision on the proposed subdivision plan and shall inform the Applicant and the Select Board in writing within ten (10) days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon all reasonable and admissible evidence that is submitted prior to the closing of the record.

#### **SECTION IV: CRITERIA OF APPROVAL**

In approving applications submitted pursuant to this Ordinance, the Board shall find that the following requirements are met as designated under the Planning and Land Use Laws, Statutes of the State of Maine in accordance with the provisions of Title 30-A, MRSA, Section 4404, as amended.

##### **A. Pollution**

The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at a minimum consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to 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.

##### **B. Sufficient Water Supply**

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

##### **C. Municipal Water Supply**

The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

#### D. Erosion

The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

#### E. Traffic

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, MRSA, Section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, MRSA, Section 704, and any rules adopted under that section;

#### F. Sewage Disposal

The proposed subdivision will provide for adequate sewage disposal and will not cause an unreasonable burden on municipal services if they are utilized;

#### G. Municipal Solid Waste Disposal

The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

#### H. Aesthetic, Cultural and Natural Values

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 on the official maps of 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. Such identified areas shall be designated on the subdivision plan;

#### I. Conformity with Local Ordinances and Plans

The proposed subdivision conforms with this Ordinance and any duly adopted comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

#### J. Financial and Technical Capacity

The Applicant has adequate financial and technical capacity to meet the standards of this section;

#### K. Surface Waters

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, MRSA, Section 436-A, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;

#### L. Ground Water

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

#### M. Flood Areas

If the subdivision, or any part of it, is in a flood-prone area based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps and information presented by Applicant, the Applicant 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.

#### N. Freshwater Wetlands

All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

#### O. River, Stream, or Brook

Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, MRSA, Section 480-B, Subsection 9.

#### P. Storm Water

The proposed subdivision will provide for adequate storm water management.

#### Q. Impact on Adjoining Municipality

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.

#### R. Lands Subject to Liquidation Harvesting

Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, MRSA, Section 8869, Subsection 14.

#### S. State Subdivision Law Criteria

In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to Title 30-A, MRSA, Chapter 187, Section 4404, from time to time.

#### T. Written Findings of Fact

In approving subdivisions under this Ordinance, the Board shall consider the criteria above; and before granting approval, shall make written findings of fact that the provisions of this Ordinance have been met.

#### U. Burden of Proof

In all instances the burden of proof of compliance with the above criteria shall be upon the Applicant.

### **SECTION V: ADMINISTRATIVE PROCEDURES**

#### A. Agenda Required

In order to provide an orderly process for reviewing applications, an agenda shall be prepared in advance of each regularly scheduled Board meeting.

#### B. Agenda May Be Limited

The Board, in order to conduct a thorough review of applications submitted to it, may limit such review to one subdivision application per regularly scheduled meeting.

### **SECTION VI: PRE-APPLICATION CONFERENCE**

#### A. General

It is strongly suggested that all Applicants meet with the Board prior to the formal submission of a subdivision plan to generally discuss their proposed

subdivision and to obtain guidance from the Board in the development of the plan.

### 1. Pre-Application Conference Request

An Applicant or representative may request a Pre-Application Conference with the Board at least two weeks prior to a regularly scheduled Board meeting. Such review shall not cause a plan to be a pending application or proceeding under Title 1, MRSA, Section 302. No decision on the substance of the plan shall be made at a Pre-Application Conference.

### 2. Purpose

The purposes of the pre-application conference are to:

- a. Allow the Board to understand the nature of the proposed use and required submissions;
- b. Allow the Applicant to understand the development review process and required submissions;
- c. Identify issues and potential conflicts (e.g., technical, procedural, environmental, etc.) that need to be addressed in future submissions;
- d. Make the Applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities; and
- e. Identify potential conflicts with abutters, neighbors, and community members.

### 3. Submission and Procedure

- a. The Applicant shall present the conceptual plan and make a verbal presentation regarding the proposed subdivision and the site on which it will be developed.
- b. The conceptual plan is not intended to be an engineered plan but should be a simple illustration that accurately portrays the layout of the subdivision shown in context with specific site conditions. The plan shall show the layout of lots, building envelopes and /or house sites, and probable access to the lots.

## **SECTION VII: PRELIMINARY SUBDIVISION PLAN REVIEW PROCESS**

### **A. Application and Attachments for Preliminary Subdivision Plan Review**

An Applicant or representative may submit an application for Preliminary Subdivision Plan Review at least two (2) weeks prior to a regularly scheduled Board meeting.

The submission packet for Preliminary Subdivision Plan Review shall include the following:

1. A completed Subdivision Application form as promulgated by the Town of Northport. The following information shall be included in the application form submitted to the Board with the preliminary plan for a proposed Subdivision:
  - a. Information Regarding the Applicant
    - (1) The name, address, and phone number of the Owner of Record (Applicant).
    - (2) Information regarding the Applicant's right, title, or interest in the parcel proposed to be subdivided.
    - (3) Information as to whether or not the Applicant is a corporation and, if so, whether or not the corporation is licensed to do business in Maine.
    - (4) The name, address, and phone number of the Applicant's authorized agent (if an agent is applying on behalf of Applicant).
    - (5) The name, address, phone number, and registration number of the Land Surveyors and/or Land Planners employed by the Applicant to design the proposed subdivision.
    - (6) The name, address, and phone number of the individual(s) to whom all communications from the Board should be directed.
    - (7) Information regarding the Applicant's interest in any property abutting the parcel proposed to be divided and that the proposed subdivision plan covers his/her entire, contiguous holdings.



b. Information Regarding the Parcel to be Subdivided

- (1) The book and page numbers from Registry of Deeds describing the parcel proposed to be subdivided.
- (2) The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided.
- (3) The existing use of the property proposed to be subdivided.
- (4) The total acreage of the parcel proposed to be divided.
- (5) The present zoning of parcel proposed to be subdivided.
- (6) Whether or not the parcel proposed to be subdivided is part of a prior approved subdivision.
- (7) Whether or not any part of the parcel proposed to be subdivided is within the Shoreland Zone.
- (8) Whether or not there are any freshwater wetlands located in whole or in part on the parcel proposed to be subdivided.
- (9) Whether or not there are any significant groundwater aquifers located in whole or in part on the parcel proposed to be subdivided.
- (10) Whether or not the parcel proposed to be subdivided is in whole or in part located within an identified special flood hazard area.
- (11) Whether or not the parcel proposed to be subdivided has any identified critical natural resources or wildlife habitats located in whole or in on part the parcel proposed to be subdivided.

c. Information Regarding Proposed Subdivision

- (1) Name of the proposed subdivision.
- (2) Type of proposed subdivision. (e.g., residential, commercial, mixed, etc.)
- (3) Number of lots and/or units proposed.

- (4) Information regarding proposed methods of disposing of sewage wastes generated by the proposed subdivision.
  - (5) Information regarding proposed methods of supplying water required by the proposed subdivision.
  - (6) Information regarding proposed methods of disposing of solid wastes generated by the proposed subdivision.
  - (7) Information regarding proposed methods of controlling and/or preventing soil erosion and sedimentation resulting from the proposed subdivision.
  - (8) Information regarding proposed methods of handling changes in storm water and/or surface water drainage patterns resulting from the proposed subdivision.
  - (9) Information regarding proposed interior subdivision roads.
  - (10) Information regarding proposed methods of handling traffic volumes projected to be generated by the proposed subdivision.
  - (11) Estimated dates of starting and completing any proposed construction.
  - (12) Estimated costs of required and proposed improvements.
2. Payment of required fees according to the fee schedule adopted by the Select Board. The Planning Board may retain such experts as it deems necessary, at the expense of the Applicant. Anticipated fees for experts shall be paid in advance at the time of the application. Unexpended fees shall be returned to the Applicant.
  3. A Preliminary Subdivision Plan shall be submitted to the Board as follows:
    - a. Number of Copies  
Eight (8) paper copies of the Preliminary Subdivision Plan shall be submitted.

b. Sheet Size

The Preliminary Subdivision Plan shall be at least 11 x 17 inches, but no larger than 24 x 36 inches in size.

c. Plan Scale

The Preliminary Subdivision Plan shall be drawn to scale.

d. Information to be Shown on the Plan

The following information shall be shown on a Preliminary Subdivision Plan:

- (1) The outline of the tract or parcel to be subdivided, with known or, if not known, estimated perimeter dimensions and area;
- (2) The scale to which the plan is drawn;
- (3) The proposed layout of lots, roads, driveways, and building locations;
- (4) Identification of general areas of slopes fifteen percent (15%) or greater, areas of exposed ledge, wetlands, streams and floodplains;
- (5) Location of public utilities proposed to be utilized;
- (6) Location, dimensions, and terms of any existing easements, rights-of-way, and/or deed restrictions encumbering the property.
- (7) The tax map and lot numbers from the Northport Tax Maps describing the parcel proposed to be subdivided; and
- (8) The present zoning classification of the parcel.

B. Review of Subdivision Packet for Completeness

1. Upon receipt of the application, the Code Enforcement Officer shall review and issue a Dated Receipt of Application. The Code Enforcement Officer shall not place an application on the agenda until determining that the Applicant has presented the submission packet required for Preliminary Plan Review of a Subdivision by this Ordinance.

2. If the Code Enforcement Officer's initial review indicates that the submission packet is not complete, the submission shall be returned to the Applicant with a Notice of Incomplete Submission (See Appendix A), specifying the required information found to be missing.
3. If the Code Enforcement Officer's review indicates that the submission packet is complete, the Applicant shall be issued a Notice of Complete Application (See Appendix A) and the application placed on the agenda of the next regularly scheduled Board meeting. A Notice of Complete Application does not constitute the Board's approval of the information submitted. The Board shall make the final determination that the information provided satisfies the submittal requirements and will begin the full evaluation of the proposed subdivision. The Board reserves the right to request additional information throughout the review process up to and until final plan approval.

#### C. Notice to Abutters and Adjacent Municipality

After the issuance of a Dated Receipt of Application, the Code Enforcement Officer shall notify by mail all abutting property owners of the proposed subdivision and the Town Clerk and the Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality. Such notice shall specify that a Preliminary Plan and application for a proposed Subdivision has been received, the location of the proposed Subdivision, and give a general description of the proposal.

#### D. On-Site Inspection

The Board may request an on-site inspection to be jointly attended by the Applicant or his/her duly authorized agent and by at least one member of the Board or an individual appointed by the Chair of the Board to act as the Board's authorized representative for such inspection.

After the on-site inspection, the Board may determine the contour levels for subsequent submissions and shall notify the Applicant in writing of the required contour interval.

#### E. Board Review of Plan and Approval

1. The Board shall review the Preliminary Subdivision Plan and accompanying exhibits with the Applicant, answer the Applicant's questions, ask questions of the Applicant, and make specific

suggestions or requirements to be incorporated by the Applicant in subsequent submissions.

2. The Board shall approve, approve with conditions or disapprove the Preliminary Subdivision Plan.
3. The Board is not required to sign the preliminary plan.

## **SECTION VIII: FINAL SUBDIVISION PLAN REVIEW PROCESS**

### **A. Request for Review of Final Subdivision Plan**

1. Within six (6) months after approval of a preliminary plan for a Subdivision, the Applicant shall request, through the Code Enforcement Officer, to be placed on the Board's agenda for final plan review.
2. The Applicant or representative may make a verbal request for Final Plan Review at the completion of the Preliminary Plan Review. If the verbal request is not made at the conclusion of preliminary approval, an application shall be submitted at least two (2) weeks prior to a regularly scheduled Board meeting.
3. Failure to do so within six (6) months of preliminary subdivision plan approval shall require that the preliminary plan be resubmitted.

### **B. Review of Submission Packet for Completeness**

1. The Code Enforcement Officer shall not place an application on the agenda until determining that the Applicant has presented the submission packet required for Final Plan Review of a Subdivision by this Ordinance.
2. If the Code Enforcement Officer's review indicates that the submission packet is not complete, the submission shall be returned to the Applicant specifying the required information found to be missing.
3. If the Code Enforcement Officer's review indicates that the submission packet is complete, he/she shall issue the Applicant a Dated Receipt of Application and place the application on the agenda of the next regularly scheduled Board meeting.

C. Submittal of a Final Subdivision Plan

Final Subdivision Plans shall be prepared and submitted to the Board through the Code Enforcement Officer in the same manner as required for Preliminary Subdivision Plans pursuant to Section VII of this Ordinance.

D. Information to be Shown on the Final Subdivision Plan

1. The same information required to be shown on Preliminary Subdivision Plans pursuant to Section VII of this Ordinance shall be shown on all Final Subdivision Plans.
2. In addition, the following Plan Approval Block shall be permanently affixed to record the approval of the Final Subdivision Plan:

APPROVAL BLOCK

This Subdivision Plan has been approved with/without conditions by the Northport Planning Board in accordance with Title 30-A, MRSA, Section 4401, *et seq.*

Approved lots may be sold or leased only in accordance with all applicable terms and conditions.

Conditions:

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Signed

\_\_\_\_\_ Chair

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Date \_\_\_\_\_

### 3. 9-1-1 Lot Numbering System

Lines or dots shall be placed in the center of the streets every fifty (50) feet to aid in the assignment of street numbers to structures subsequently constructed.

#### E. Board Review of Final Subdivision Plan

Within thirty (30) days from receipt of the final plan, the Board shall notify the Applicant in writing either that the final plan application is complete or, if the final plan is incomplete, the specific additional action needed to make a complete final plan.

#### F. Final Plan Public Hearing

Within thirty (30) days of the Board's determination that a complete application has been submitted, or within such other time limit as maybe mutually agreed to by the Board and the Applicant, the Board may hold a public hearing on the final plan of the proposed Subdivision.

#### G. Board Decision on Final Plan

Within sixty (60) days of the Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing, in the event the Board decides to hold a public hearing, or within such other time limit as may be mutually agreed to by the Board and the Applicant, the Board shall approve, approve with conditions, or disapprove the final plan of the proposed Subdivision.

In issuing its decision, the Board shall make written findings of fact and conclusions of law that the proposed final plan does or does not meet the criteria in Section IV of this Ordinance.

#### H. Signatures

Upon approving the final plan, those members of the Board voting for approval shall sign the approved Subdivision Plan. A duplicate original may be signed if requested.

#### I. Filing of Approved Final Subdivision Plan

The approved Final Plan for a Subdivision shall be filed in the Waldo County Registry of Deeds. The Registry requires the Plan to be on paper, unfolded, and without color. The Applicant must file the plan within ninety (90) days of approval. In the event that the Applicant fails to file the approved Final Subdivision Plan within the specified days, the Board's approval shall be considered void.

The Registry will issue a receipt indicating the Book and Page for the filing. The Registry will stamp the Book and Page numbers on the Plan and retain for scanning into the County system. The Applicant should order a copy of the recorded Plan to be submitted by the Applicant to the Northport Code Enforcement Officer.

#### J. Preliminary/Final Subdivision Plan Approval

An Applicant may request simultaneous preliminary and final plan approval for a subdivision proposal wherein each lot will front on a public road and no common facilities are proposed. The Application must meet all the requirements of a Final Plan application. If the Board determines that the application does not meet all the requirements, the Board may approve preliminarily only with conditions for subsequent submissions.

### **SECTION IX: APPLICATION PROCESSING FEES**

The non-refundable Application Processing Fees required to cover the administrative handling costs associated with subdivision review under shall reflect the reasonable cost of processing, review, regulation and supervision of the application. (see Fee Schedule)

### **SECTION X: REVISION OF APPROVED PLANS AND TRANSFERS OF APPROVAL**

#### A. Revision of Approved Subdivision Plans

Any application for subdivision approval which constitutes a revision or amendment to a final subdivision plan, which has been previously approved, shall indicate that fact on the application and shall identify the original subdivision being revised or amended.

Applications for revisions to existing plans shall comply with all of the fees, procedural requirements, and submissions required of this Ordinance for their classification.

The Board shall make findings of fact and conclusions of law that the proposed revisions do or do not meet the applicable criteria of approval provided in Section IV.

#### B. Transfer of Subdivision Approval

If the transfer in ownership of any approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Code Enforcement Office in writing.



## **SECTION XI: ADDITIONAL REQUIRED IMPROVEMENTS**

The following improvements are required for all subdivisions, unless waived by the Board in accordance with the provisions of this Ordinance.

### **A. Monuments**

Development boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable permanent monuments including but not limited to the following:

1. A granite monument;
2. A concrete monument;
3. An iron pin; or
4. A drill hole in ledge.

### **B. Water Supply**

1. The Board may allow the use of individual wells or a private central water supply system.
2. When a development is to be served by a central water supply system, the complete supply system, including any required fire ponds and dry hydrants, shall be installed at the expense of the Applicant.
3. If a central water supply system is provided by the Applicant, the location and protection of the source as well as the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.
4. The Applicant shall construct ponds and dry hydrants to provide for adequate water storage for firefighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon the submittal of evidence that soil types in the development will not permit their construction, or that a nearby water supply is deemed available and adequate for firefighting purposes by the Northport Fire Department.

### **C. Sewage Disposal**

1. The Applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full

compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

2. In a proposed subdivision, disposal areas shall not be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

#### D. Surface Drainage

1. Where a development is traversed by a stream, river, or surface water drainage-way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. The surface water management system shall be designed by a registered professional engineer and depicted on the plan.
2. Drainage easements for existing water courses or proposed drainage ways of adequate dimension conforming substantially with the lines of existing natural drainage, shall be provided and indicated on the Plan.
3. The Applicant shall provide a statement from a professional engineer licensed in the State of Maine that the proposed development will not create erosion, drainage or runoff problems either in the development or in other properties. Where the peak runoff from the development onto other properties is increased either in volume or duration, easements from the abutting property owners allowing such additional discharge shall be obtained.
4. A surface water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section XVII of this Ordinance shall be submitted.

#### E. Solid Waste Disposal

In all new subdivisions, where four (4) or more lots abut a private road, the Board may require a properly screened or buffered dumpster. The maintenance of same shall be the responsibility of the Applicant or the homeowners' association.

## **SECTION XII: DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND SERVICES**

### **A. Dedication**

1. All common land in subdivisions shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association.
2. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land, except where prohibited.
3. The common open space shall be shown on the Final Plan of the proposed subdivision with appropriate notation on the plan to indicate that the common area shall not be used for future building lots.

### **B. Maintenance of Common Space in Subdivisions**

1. If any or all of the common open space is to be reserved for use by the residents, the by-laws of the proposed homeowners' association shall specify maintenance responsibilities.
2. The homeowners' association shall have the responsibility of maintaining the common property unless or until dedication is accepted by another organization.
3. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.
4. The Applicant shall maintain control of the common property and be responsible for its maintenance until the association assumes that maintenance responsibility.

## **SECTION XIII: VIOLATIONS AND ENFORCEMENT**

### **A. Recording of Subdivision Plan Without Prior Approval Prohibited**

No plan of a division of land within the municipality which would constitute a subdivision under this Ordinance shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.

#### B. Conveyance Without Recording Prohibited

No person may sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

#### C. Conveyance of Lots Not Shown on Final Plan Prohibited

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land in an approved subdivision which is not shown on the recorded plan as a separate lot.

#### D. Utility Hookups Prior to Approval Prohibited

No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a recorded plan has not been approved by the Board.

#### E. Development Prior to Approval Prohibited

Development of a subdivision or project requiring approval under this Ordinance without Board approval shall be a violation. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a recorded plan approved as provided in this Ordinance.

#### F. Road Completion

No building permits shall be issued until such time as the Code Enforcement Officer has received and accepted a certificate from a professional engineer licensed in the State of Maine stating that road construction is complete and meets the requirements of this Ordinance.

#### G. Failure to Comply with Conditions of Approval

Failure to comply with any conditions of approval shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction, development or any specific activity violating the conditions of permit approval or applying the legal penalties provided herein.

#### H. Nuisances

Any violation of this Ordinance shall be deemed a nuisance.

#### I. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the Code Enforcement Officer shall notify in writing the person or persons responsible for such violation, including the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

#### J. Legal Actions

When there is a violation of this Ordinance, the Select Board, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Code Enforcement Officer, upon certification, is hereby authorized to represent the Town in District Court pursuant to Title 30-A, MRSA, Section 4451 *et seq.*, as amended. In any case, the Town Attorney may prosecute such actions.

#### K. Fines and Fees

Any violation of this Ordinance is punishable pursuant to Title 30-A, MRSA, Section 4452, as amended. The provisions of that statute governing fines and fees are expressly applicable to violations under this Ordinance. Each day such violation is continued is a separate offense. All such fines shall accrue to the Town.

#### L. Contractor Liability

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits and/or approvals for such activity have not been obtained.

### **SECTION XIV: GENERAL PERFORMANCE STANDARDS**

In reviewing applications submitted pursuant to this Ordinance, the Board shall consider the following performance standards prior to issuing final approval.

#### A. Conformance with Comprehensive Plan

All proposed subdivisions shall be in conformance with the Comprehensive Plan and Policy Statements of the Town and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

#### B. Relationship to Municipal Services

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, sewer and water systems, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

#### C. Preservation and Enhancement of the Landscape

The landscape shall be preserved in its natural state insofar as reasonably practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be planted that will define, soften or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and abutting properties in order to enhance the physical design of the proposed development, and to minimize the encroachment of the proposed uses on neighboring land uses.

#### D. Relationship to Scenic Character of the Neighborhood

Proposed buildings, structures and roads shall be related harmoniously to the terrain and to existing buildings and structures in the vicinity.

#### E. Land Not Suitable for Development

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size for the zone in which the development is located:

1. Land which is situated below the upland edge of the wetland;
2. Land which is part of a right-of-way or easement, including utility easements; and
3. Land that has been created by filling or draining a pond or wetland.

## F. Topsoil and Vegetation Removal

1. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
2. Except for normal thinning, clearing for approved construction, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact whenever feasible to prevent soil erosion.
3. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a water body and extending one hundred (100) feet inland from all points along the upland edge of the wetland shall be limited in accordance with the clearing of vegetation provisions of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances in effect at the time.

## G. Erosion and Sedimentation Control

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance. The Board shall require an Applicant to take measures to correct and prevent soil erosion in the proposed development.

1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the Applicant, shall be implemented during the site preparation, construction, and clean-up stages.
2. Erosion of soil and sedimentation of watercourses and waterbodies shall be minimized by employing the following best-management practices:
  - a. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
  - b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
  - c. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;

- d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- e. The disturbed area and the duration of exposure shall be kept to a practical minimum;
- f. Disturbed soils shall be stabilized as quickly as practicable;
- g. Temporary vegetation or mulching shall be used to protect disturbed areas during development;
- h. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
- i. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;
- j. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Board;
- k. During grading operations, methods of dust control shall be employed wherever practicable;
- l. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the person or persons causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at their expense as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail (return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance. Under extenuating circumstances, the Code Enforcement Officer may grant an extension of time.
- m. It is the responsibility of any person performing any activity on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway or right-of-way during the duration of such activity



and to return it to its original or equal condition after such activity is completed; and

- n. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

#### H. Lot Standards

All lots shall have a minimum frontage of two hundred (200) feet on a servicing road and minimum size of one acre per residential unit. All dimensional requirements must be met for each dwelling unit.

1. Lot configuration and area shall be designed to provide for adequate off-road parking and service facilities based upon the type of development contemplated.
2. Lots with multiple frontages shall be avoided wherever possible.
3. Wherever possible, side lot lines shall be perpendicular to the road.
4. The division of tracts into parcels with substantially more than the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future resubdivision. Where public utilities could be extended to the development in the foreseeable future, the development shall be designed to accommodate the extensions of utilities.
5. If a lot on one side of a 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 road or barrier to meet the minimum lot size, unless such lots are established lots of record prior to the adoption of this Ordinance.
6. Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum dimensional requirements are prohibited, unless such lots are established lots of record prior to the adoption of this Ordinance.

#### I. Utilities

1. The Board may require electric, cable television, internet, and telephone lines to be underground. Any utility installations remaining above ground shall be located to have a harmonious relation to neighboring properties and the site.

2. Underground utilities shall be installed prior to the installation of final gravel base of the road.

#### J. Construction in Flood Hazard Areas

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

### **SECTION XV: ROAD DESIGN AND CONSTRUCTION STANDARDS**

#### A. General Requirements

In approving applications submitted pursuant to this Ordinance, the following requirements shall apply:

1. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.
2. Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the Town's road system and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.
3. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
4. The Board shall not approve any development plan unless proposed roads are designed in accordance with the specifications contained in this Ordinance. Approval of a Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement. All roads are to remain private roads. The following words shall appear on the recorded plan:

"All roads in this development shall remain private roads to be maintained by the Applicant or lot owners and shall not be accepted or maintained by the Town."

**B. Road Design Standards**

1. These design standards shall be met by all roads within subdivisions reviewed under this Ordinance, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
2. Roads shall be designed to discourage through traffic within residential developments.
3. When a subdivision abuts a Town Way and creates lots fronting on a proposed private roadway, no residential lot may have vehicular access directly on to the Town Way. This requirement shall be noted on the Plan and in the deeds.
4. Any development containing ten (10) or more dwelling units or lots shall have at least two (2) road connections with existing public roads.
5. The following design standards apply to subdivision roads:

<b>DESCRIPTION</b>	<b>DIMENSION</b>
Minimum Right-of-Way Width	50'
Minimum Traveled Way	18'
Shoulder Width	3'
Maximum Grade	10%*
Roadway Crown	¼" /ft.
Angle of all Road Intersections	90 degrees
Maximum Grade within 75' of Intersections	3%
Minimum Curb Radii at Intersections	25'
Minimum r/o/w Radii at Intersections	10'

\*If the road grade is more than 10% in fifty (50) feet, that portion must be paved.

6. The centerline of the roadway shall be the centerline of the right-of-way.
7. Road Terminations / Dead End Roads

In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac or hammerhead turn-around. The cul-de-sac requirements shall provide for a minimum sixty-five (65) foot radius to the outer the right-of-way and a minimum fifty (50) radius to the outer edge of the traveled way. See Appendix for drawings.

8. Grades, Intersections and Sight Distances

- a. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- b. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

POSTED SPEED (MPH)	15	20	25	30	35	40	45	50	55
SIGHT DISTANCE (FT)	150	200	250	300	350	400	450	500	550

- c. Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table above.
- d. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
- e. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred (200) feet shall be maintained between centerlines of side roads.

## C. Road Construction Standards

### 1. Minimum Thickness of Material After Compaction

ROAD MATERIALS	
AGGREGATE SUB-BASE COURSE Maximum sized stone = 4"	18"
CRUSHED AGGREGATE BASE COURSE	4"

### 2. Preparation

- a. Before any clearing has started on the right-of-way, the centerline and sidelines of the new road shall be staked or flagged at fifty (50) foot intervals.
- b. On soils which have been identified as not suitable for roadways, such as stumps, organic duff, and loam, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for aggregate sub-base below.
- c. Side slopes of exposed soil shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, fertilized, and seeded according to best management practices.

### 3. Bases and Pavement

- a. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the sub-base shall contain no particles of rock which will not pass the six (6) inch square mesh sieve. If Geotextile Fabric is proposed or required, it shall be installed under the Sub-base course.

- b. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock which will not pass the two (2) inch square mesh sieve.

#### D. Road Names and Numbering

Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town or municipalities within the same zip code (Lincolntonville) and shall be subject to the approval of the Town Addressing Agent.

#### E. Driveway Culverts

The minimum size of any driveway culvert shall be fifteen (15) inches in diameter and at least thirty (30) feet in length. PVC pipe can be used as long as it has a minimum of eighteen (18) inches of cover; this means compacted, with suitable material (no rocks larger than one (1) inch) on all sides of pipe.

#### F. Certification of Construction

Upon completion of road construction, a written certification signed by a professional engineer licensed in the State of Maine shall be submitted to the Code Enforcement Officer at the expense of the Applicant, certifying that the proposed way meets or exceeds the design and construction requirements of this Ordinance.

### **SECTION XVI: BUFFER AND SCREENING STANDARDS**

In approving applications submitted pursuant to this Ordinance, the Board may require the Applicant to meet certain buffer and screening standards as the Board sees fit.

### **SECTION XVII: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS**

#### A. General Provisions

In approving applications submitted pursuant to this Ordinance, the Board shall require the Applicant to meet the following storm drainage design and construction standards:

1. The storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption and/or evaporation of runoff waters shall be utilized to minimize discharges from the site.
2. Surface water runoff shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on site, downstream improvements to the channel may be required of the

Applicant to prevent flooding caused by the project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. The design basis is a twenty-five (25) year storm.

B. Storm Water Management Design Standards

1. Adequate provision shall be made for disposal of all storm water generated within the development and any drained ground water through a management system of swales, culverts, underdrain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.
2. All components of the storm water management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for the closest reporting station to Northport, Maine.
3. The minimum pipe diameter for any storm drainage pipe shall be fifteen (15) inches. The minimum and maximum lengths, respectively, shall be twenty-four (24) and thirty-six (36) feet. Maximum trench width at pipe crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe and extending to six (6) inches above the top of the pipe.
4. Catch basins shall be installed as determined by a licensed engineer.
5. Inlets and outlets of culverts shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
6. The storm water management system shall be designed to accommodate complete watershed drainage, considering existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of fifty percent (50%) for potential increases in upstream runoff.
7. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from any development. The Applicant shall be



responsible for financing any improvements to existing drainage systems required to handle the increased flows.

8. Where soil requires a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

### C. Storm Drainage Construction Standards

#### 1. Reinforced Concrete Pipe

Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

#### 2. Corrugated Metal Pipe

Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than five percent (5%).

#### 3. ABS Pipe

ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

#### 4. Corrugated Plastic Pipe

Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.

#### 5. Access Holes

Access holes, if required, shall be of precast concrete truncated cone section construction meeting requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3000 psi 28 day

strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

#### 6. Catch Basins

Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed with tops which shall conform to the requirements of AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

### **SECTION XVIII: PROVISION FOR CLUSTER DEVELOPMENT**

#### A. Purpose

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted by this Ordinance.

In addition, the purpose of allowing Cluster Development shall be to encourage housing development which will result in:

1. Additional open space and recreation areas;
2. A pattern of development which preserves trees, outstanding natural topography and geologic features and reduces soil erosion; and
3. An efficient use of land resulting in small networks of utilities and streets.
4. Lot frontage may be reduced.

## B. Allowable Reduction in Requirements

To accomplish the purposes of this section, the layout and dimensional requirements of this Ordinance may be reduced as follows:

1. The Board may reduce area requirements by not more than fifty percent (50%) but only if a net area at least equal in area to the cumulative lot size reduction is maintained as common or public land;
2. The Board shall not increase building height limitations; and
3. The modification of requirements under this section shall not require a variance and no finding of undue hardship shall be required.

## C. Performance Standards

All cluster developments approved by the Board must meet the following requirements:

1. All the requirements and standards of this Ordinance, except those dealing with lot layout and dimensions, shall be met.
2. The minimum area of land in a cluster development shall be ten (10) acres.
3. No building shall be constructed on soil types that are poorly drained.
4. Where a cluster development is proposed on a parcel which abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.

## **SECTION XIX: WAIVERS**

### A. Waiver of Submission Requirements

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements, provided the public health, safety and welfare are protected, and the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any ordinance.

### B. Waiver of Performance Standards

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive

portions of the performance standards, unless otherwise indicated in this Ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any ordinance.

#### C. Waiver of Required Improvements

Where the Board makes written findings of fact that due to special circumstances of a particular site proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity to the proposed subdivision or development, it may waive the requirement for such improvements, provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan or any Ordinance.

#### D. Waiver for Road Design and Construction Standards

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the road design and construction standards, unless otherwise indicated in this Ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any ordinance.

#### E. Waiver Conditionally Granted

In granting waivers to any of the provisions of this Ordinance in accordance with subsections A, B, C, or D above, the Board shall require such conditions as to assure the purposes and objectives of this Ordinance are met.

#### F. Waiver Limitations

No other waivers of the provisions of this Ordinance may be granted, except as expressly authorized by this section.

#### G. Waiver Revocable

All waivers granted by the Board under this Section of the Ordinance are revocable up to the date of Final Plan approval.

## **SECTION XX: APPEALS**

An appeal to the Board's decision may be brought to the Northport Zoning Board of Appeals and subsequently to Superior Court in accordance with State Law.

## **SECTION XXI: LANGUAGE AND DEFINITIONS**

### A. Construction of Language

In this Ordinance, certain terms and words shall be interpreted as follows:

1. The words "persons" and "applicant" includes individuals, firms, associations, corporations, organizations, and similar entities;
2. Words used or defined in one tense or form shall include other tenses or derivative forms;
3. Words in the singular number shall include the plural number and words in the plural shall include the singular number;
4. The masculine gender shall include the feminine and the feminine shall include the masculine;
5. The word "shall" is mandatory;
6. The word "may" is permissive;
7. In case of difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

### B. Definitions

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

#### 1. **APPLICANT**

The assessed owner or owners of land to be subdivided or person or persons with documented right, title, or interest in the land to be subdivided.

#### 2. **BOARD**

The Planning Board of the Town of Northport, Maine.

3. **CLUSTER DEVELOPMENT**

A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, or a land conservation organization, as allowed by the Board.

4. **COMPLETE APPLICATION**

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

5. **COMPREHENSIVE PLAN OR POLICY STATEMENT**

Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, MRSA, Section 4311, *et seq.*, as amended.

6. **CONTIGUOUS LOTS**

Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof.

7. **DRIVEWAY**

A private way providing vehicular access from a public way to not more than two lots.

8. **EASEMENT**

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

9. **ENGINEER**

Consulting engineer licensed by the State of Maine.

10. **FINAL PLAN**

The final drawings on which the Applicant's plan of subdivision is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.

## 11. **FRESHWATER WETLAND**

Freshwater Wetlands shall be defined as in Title 38, MRSA, Section 480B, as amended, Natural Resources Protection Act. According to 1989 statutes, Freshwater Wetlands are defined as follows: "Freshwater Wetlands" means freshwater swamps, marshes, bogs and similar areas which are:

- a. Of ten (10) or more contiguous acres, or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres;
- b. 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
- c. Not considered part of a great pond, coastal wetland, river, stream or brook.

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

Delineating standards shall be as per current rules and regulations of the Maine Department of Environmental Protection.

## 12. **FRONTAGE**

The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. Frontage dimensions shall be a minimum of two hundred (200) feet.

For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured: a right-of-way established by recorded deed or easement document; or easement established by assertion of prescriptive rights; or as shown on an approved and recorded subdivision plan whether the right-of-way has been accepted or not by the Town of Northport..

13. **LOT**

Any parcel of land whose boundaries have been established by some legal document such as a recorded deed or a plan or map recorded with the Registry of Deeds and which is recognized as a separate entity for the purpose of legal transfer of title.

14. **NORMAL HIGH-WATER ELEVATION OF INLAND WATERS**

Along lakes and ponds, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial.

Along streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

15. **OFFICIAL MAP**

The maps adopted by the Town showing the location of public property, ways used in common by more than two (2) owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Town or additions thereto resulting from the approval of subdivision plans by the Board and the subsequent filing of record of such approved plans.

16. **ONE-HUNDRED-YEAR FLOOD**

The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent (1%) chance of occurring in any year).

17. **PERSON**

An individual, firm, association, partnership, trust, company, corporation, municipal or other local government entity, quasi-municipality, state agency, educational or charitable organization or institution or other legal entity.

18. **PRELIMINARY SUBDIVISION PLAN**

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

19. **RIGHT-OF-WAY**

A tract or parcel of land used as a road or a means of ingress and egress. A public right-of-way is one either established for public use by recorded deed or easement document; or recorded plan or map; or by assertion of prescriptive rights and



accepted by the Town of Northport or other level of government for maintenance purposes.

20. **ROAD**

Public and private ways such as Town ways, public rights-of-way, and private rights-of-way to three (3) or more lots.

21. **SUBDIVISION**

As defined by Title 30-A, MRSA, Section 4401, as the same may be amended from time to time.

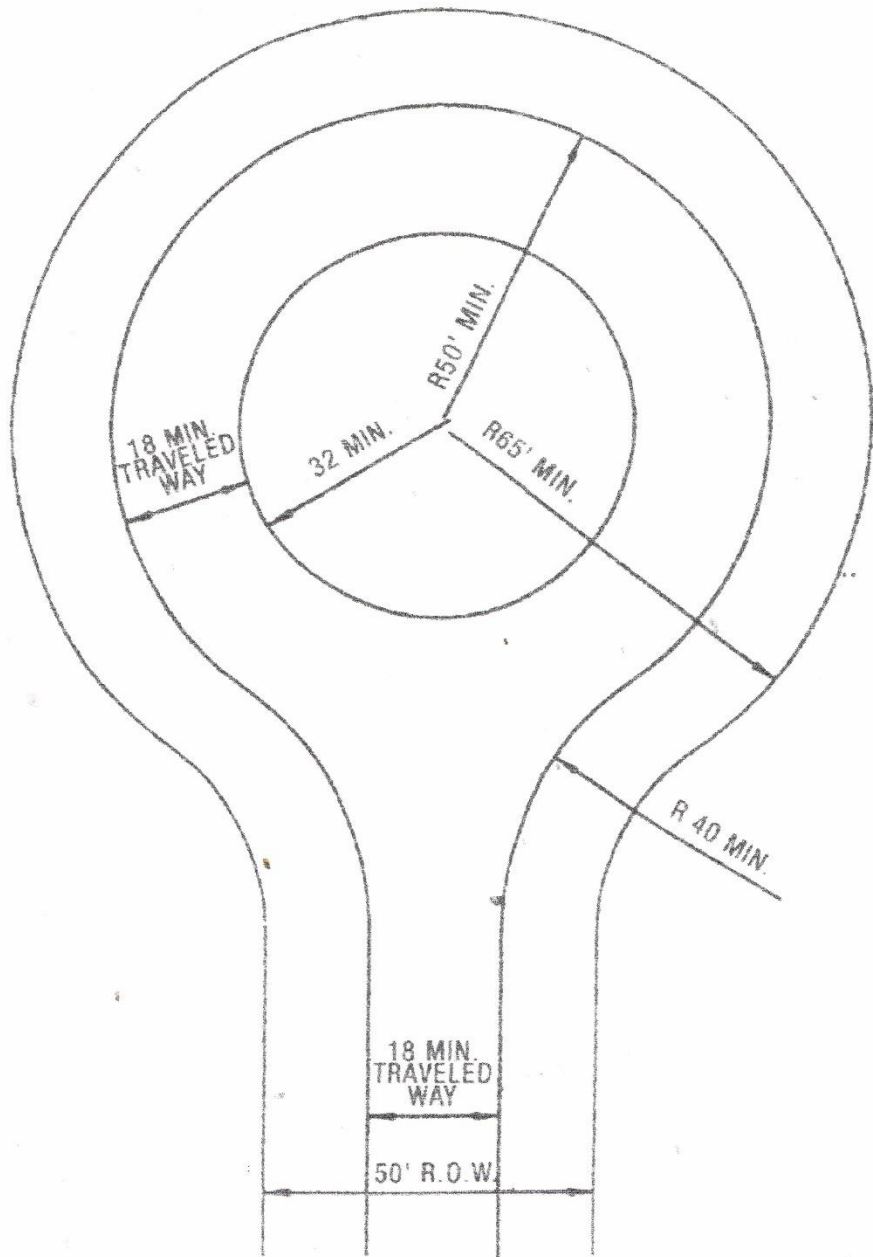
22. **SWALE**

A hollow or depression especially in wet ground.

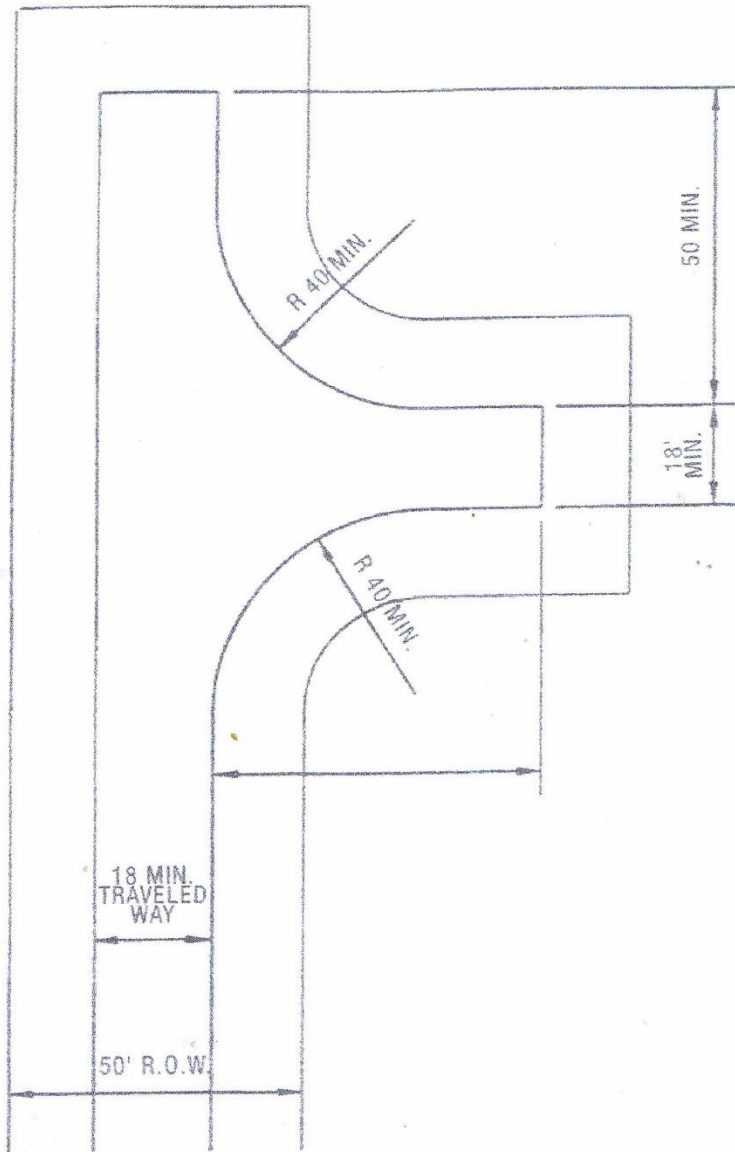
23. **TOWN**

Town of Northport, Maine

## **Appendix**



CUL DE SAC



HAMMERHEAD TURNAROUND

**NOTICE OF COMPLETE APPLICATION**

Preliminary / Final

(Circle One)

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Dear \_\_\_\_\_:

The Northport Code Enforcement Officer has forwarded your subdivision application submitted and accepted on \_\_\_\_\_ for a \_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_. The Planning Board of the Town of Northport has reviewed the submittal and determined it to be complete for subdivision plan consideration. Additional information may be required during the review process.

Sincerely,

\_\_\_\_\_

Chair of the Planning Board

**NOTICE OF INCOMPLETE APPLICATION**

Preliminary / Final

(Circle One)

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

The Northport Code Enforcement Officer has forwarded your subdivision application submitted and accepted on \_\_\_\_\_ for a \_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_. The Planning Board of the Town of Northport has reviewed the submittal and determined it to be incomplete for subdivision plan consideration. The following materials/information must be submitted in order for the application to be considered as complete.

- 1)
- 2)
- 3)

Sincerely,

\_\_\_\_\_  
Chair of the Planning Board

## **CHECKLIST FOR PLAN SUBMITTAL**

The submission packet for Subdivision Plan Review shall include the following:

1. A completed Subdivision Application form as promulgated by the Town of Northport. The following information shall be included in the application form submitted to the Board with the preliminary plan for a proposed Subdivision:

- a. Information Regarding the Applicant

- (1) \_\_\_\_\_ The name, address, and phone number of the Owner of Record (Applicant).
- (2) \_\_\_\_\_ Information regarding the Applicant's right, title, or interest in the parcel proposed to be subdivided.
- (3) \_\_\_\_\_ Information as to whether or not the Applicant is a corporation and, if so, whether or not the corporation is licensed to do business in Maine.
- (4) \_\_\_\_\_ The name, address, and phone number of the Applicant's authorized agent (if an agent is applying on behalf of Applicant).
- (5) \_\_\_\_\_ The name, address, phone number, and registration number of the Land Surveyors, and/or Land Planners employed by the Applicant to design the proposed subdivision.
- (6) \_\_\_\_\_ The name, address, and phone number of the individual(s) to whom all communications from the Board should be directed.
- (7) \_\_\_\_\_ Information regarding the Applicant's interest in any property abutting the parcel proposed to be divided and that the proposed subdivision plan covers his/her entire, contiguous holdings.

- b. Information Regarding the Parcel to be Subdivided

- (1) \_\_\_\_\_ The book and page numbers from Registry of Deeds describing the parcel proposed to be subdivided.
- (2) \_\_\_\_\_ The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided.
- (3) \_\_\_\_\_ The existing use of the property proposed to be subdivided.
- (4) \_\_\_\_\_ The total acreage of parcel proposed to be divided.
- (5) \_\_\_\_\_ The present zoning of parcel proposed to be subdivided.
- (6) \_\_\_\_\_ Whether or not the parcel proposed to be subdivided is part of a prior approved subdivision.
- (7) \_\_\_\_\_ Whether or not any part of the parcel proposed to be subdivided is within the Shoreland Zone.

- (8) \_\_\_\_\_ Whether or not there are any freshwater wetlands located in whole or in part on the parcel proposed to be subdivided.
- (9) \_\_\_\_\_ Whether or not there are any significant groundwater aquifers located in whole or in part on the parcel proposed to be subdivided.
- (10)\_\_\_\_\_ Whether or not the parcel proposed to be subdivided is in whole or in part located within an identified special flood hazard area.
- (11)\_\_\_\_\_ Whether or not the parcel proposed to be subdivided has any identified critical natural resources or wildlife habitats located in whole or in part on the parcel proposed to be subdivided.

c. Information Regarding Proposed Subdivision

- (1) \_\_\_\_\_ Name of the proposed subdivision.
- (2) \_\_\_\_\_ Type of proposed subdivision. (e.g., residential, commercial, mobile home, mixed, etc.)
- (3) \_\_\_\_\_ Number of lots and/or units proposed.
- (4) \_\_\_\_\_ Information regarding proposed methods of disposing of sewage wastes generated by the proposed subdivision.
- (5) \_\_\_\_\_ Information regarding proposed methods of supplying water required by the proposed subdivision.
- (6) \_\_\_\_\_ Information regarding proposed methods of disposing of solid wastes generated by the proposed subdivision.
- (7) \_\_\_\_\_ Information regarding proposed methods of controlling and/or preventing soil erosion and sedimentation resulting from the proposed subdivision.
- (8) \_\_\_\_\_ Information regarding proposed methods of handling changes in storm water and/or surface water drainage patterns resulting from the proposed subdivision.
- (9) \_\_\_\_\_ Information regarding proposed interior subdivision roads.
- (10)\_\_\_\_\_ Information regarding proposed methods of handling traffic volumes projected to be generated by the proposed subdivision.
- (11)\_\_\_\_\_ Estimated dates of starting and completing any proposed construction.
- (12)\_\_\_\_\_ Estimated costs of required and proposed improvements.
- (13)\_\_\_\_\_ Final plan submittal requires Approval Block.