



*City of Caribou, Maine*

*Municipal Building  
25 High Street  
Caribou, ME 04736  
Telephone (207) 493-3324  
Fax (207) 498-3954  
www.cariboumaine.org*

**AGENDA  
Caribou Planning Board  
Regular Meeting  
Wednesday, October 7, 2015 at 5:30 p.m.  
Caribou City Council Chambers**

- I. Call Meeting to Order
- II. Minutes of the September 2, 2015 meeting 2-3
- III. New Business
- IV. Old Business
  - a. Chapter 13 Re-write 4-23
- V. Other Business
- VI. Adjournment



## *City of Caribou, Maine*

### **Caribou Planning Board Meeting Minutes Wednesday, September 2, 2015 @ 5:30 pm City Council Chambers**

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**In Attendance:** Phil Cyr, Bob White, Todd Pelletier, Michele Smith and Evan Graves

**Members Absent:** Matthew Hunter and Philip McDonough III

**Others in Attendance:** Austin Bless –City Manager, Code Enforcement Officer and Denise Lausier

- I. Call Meeting to Order** - The meeting was called to order at 5:30 pm.
- II. Minutes of the August 5, 2015 Meeting** – Todd Pelletier moved to accept the minutes as presented; seconded by Evan Graves; Vote was unanimous.
- III. New Business** – None
- IV. Old Business** - The Board worked on Section 13-300, Site Design Review.

Board had discussion on medical marijuana, caregivers and dispensaries.

Section 13-300, Site Design Review:

Discussion on current requirements and that the Board does have the ability to waive requirements if needed, but it needs to be voted on and they need to back up why they made that decision.

The Board discussed pros and cons of requiring documentation from engineers on all projects for large corporations and small businesses.

Board consensus that they should be doing site visits.

Section 13-302 §3(A) – The Board discussed the fees for site design reviews. Consensus was that the fees are reasonable and to keep as is.

Section 13-302 §2(B) - The Board discussed the time frame for the site design review process. The City Manager suggested the Board shorten the time frame because of the limited construction season. Consensus was to change the thirty day requirement to fourteen days.

- V. Other Business** – There will be a Meet & Greet on September 24<sup>th</sup> from 3:00 – 4:30 pm for a potential candidate for the Assistant City Manager position. The next Planning Board meeting is Wednesday, October 7, 2015 at 5:30 pm.

**VI. Adjournment** – Evan Graves moved to adjourn the meeting at 6:04 pm; seconded by Todd Pelletier. Vote was unanimous.

Respectfully Submitted,

Robert White  
Planning Board Secretary



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Chairman and Planning Board Members  
From: Austin Bleess, City Manager  
Date: October 7, 2015  
Re: Chapter 13 Re-Write

This month we are working on the 13-400 section of the Zoning Ordinance, the Sub Division Ordinance. This is a long section, however there are few changes being proposed.

Most of the changes are clerical (changing a requirement to record the plans with the County at the Northern Registry vs. the Southern Registry). Some changes relate to the timeframe an agenda needs to be posted (changing from 7 days to 5), or posting of the meeting notices. This is being done to keep all the notice posting requirements the same from section to section.

Anything proposed to be removed is shown with ~~striketrough~~ and anything proposed to be added is shown with underline.

## **Sec. 13-400 Subdivision Ordinance.**

### **1. Title.**

This Section shall be known and may be cited as "*Subdivision Ordinance of the City of Caribou.*"

### **2. Administration.**

The Planning Board of the City of Caribou shall administer this Section.

## **Sec. 13-401 Applicability of Subdivision Review.**

1. Subdivision review, in conformity with the procedures, criteria, and standards of this Section, shall be required for all developments that meet the definition of "Subdivision" as contained within Sec. 13-900, "*Definitions*".
2. Subdivision review does not apply to:
  - A. Proposed subdivisions approved by the Planning Board or City Council before September 23, 1971 in accordance with laws then in effect;
  - B. Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law; or
  - C. A subdivision, a plan of which had been legally recorded in the Aroostook County Registry of Deeds, before September 23, 1971.

## **Sec. 13-402 Procedures for Subdivision Review.**

1. **Introduction.** Every applicant for subdivision approval shall submit a written application to the Code Enforcement Officer (CEO). Applications can be obtained from the CEO. The Planning Board shall review all requests for subdivision approval. On all matters concerning subdivision review the Planning Board shall maintain a permanent record of all its meetings, proceedings, and correspondences. In order to establish an orderly, equitable, and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Planning Board shall prepare a written agenda for each regularly scheduled meeting. ~~The agenda shall be prepared no less than seven (7) days in advance of the meeting, be distributed to the Planning Board members, and be posted at the City Office.~~ Applicants shall request to be placed on the Planning Board's agenda at least ten (10) days in advance of a regularly scheduled meeting by contacting the CEO. 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 Planning Board so votes. However, the Planning Board shall take no action on any application not appearing on the Planning Board's written agenda.
2. **Joint Meetings.** If any portion of a subdivision crosses City boundaries, the Planning Board from each municipality shall meet jointly to discuss the application.
3. **Resubdivision.** The further division of a lot within a subdivision, as defined herein, existing after September 23, 1971, or the change of a lot size therein, or the relocation of any road or lot line within a subdivision shall require the written approval of the Caribou Planning Board. Such resubdivision activity shall comply with all provisions of this Ordinance.
4. **Additional Regulation.** The Planning Board may, after a public hearing, adopt, amend, or repeal additional reasonable regulation governing subdivisions which shall control until amended, repealed, or replaced by an Ordinance adopted by the City Council. The Planning Board shall give at least seven (7) days notice of this hearing.
5. **Review Procedure.** This Ordinance shall provide for a multi-stage application review procedure consisting of three (3) stages:

- a. Pre-application and sketch plan,
- b. Preliminary Plan, and
- c. Final Plan.

## **Sec. 13-403 Pre-Application Meeting and Sketch Plan Procedures.**

- 1. Purpose.** The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Planning Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.
- 2. Procedure.**
  - A. Application: All applications for sketch plan review of a subdivision shall be obtained from and be made through the CEO.
  - B. Sketch Plan: The sketch plan shall show, in simple sketch form, the proposed layout of roads, lots, buildings, and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It shall be most helpful to both the applicant and the Planning Board for site conditions such as steep slopes, wet areas, and vegetative cover to be identified in a general manner. The sketch plan shall be accompanied by:
    1. A copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten (10) acres in size; and
    2. A copy of that portion of the Aroostook County Soil Survey covering the subdivision, showing the outline of the proposed subdivision.
  - C. Inspection: Within thirty (30) days of the pre-application meeting, the Planning Board shall hold an on-site inspection of the property. The applicant shall place "flagging" at the centerline of any proposed roads, and at the approximate intersections of the road centerlines and lot corners, prior to the on-site inspection. Lot line flags shall be different colors from the centerline flags. The Planning Board reserves the right to postpone the on-site inspection if the Planning Board determines that the on-site inspection is not possible due to surface conditions of the site, such as, but not be limited to, snow cover, flooding rains, and frozen ground.
  - D. The applicant shall present the sketch plan and make a verbal presentation regarding the proposed subdivision at the first regularly scheduled Planning Board meeting when time is available. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated by the applicant into the Preliminary Plan application.
  - E. Contour Interval: Contour intervals are required on the Preliminary Plan. ~~At the pre application meeting or when the applicant decides to proceed to the next stage of subdivision review, the Planning Board shall inform the applicant in writing of the required contour interval on the Preliminary Plan.~~ Contour lines shall be drawn at 10' intervals, unless indicated otherwise by the Planning Board.
- 3. Rights Not Vested.** The pre-application meeting, the submittal for review of the sketch plan, or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, MRSA, §302.
- 4. Establishment of File.** Following the pre-application meeting, the Planning Board and the CEO shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.

## Sec. 13-404 Preliminary Plan Procedure and Requirements.

### 1. Preliminary Plan Procedure.

- A. Within six (6) months after the pre-application sketch plan meeting by the Planning Board, the applicant shall submit an application for approval of a Preliminary Plan at least ten (10) days prior to a scheduled meeting of the Planning Board. Applications shall be submitted to the CEO for review for completeness and passed on to the Planning Board for final determination of completeness. All applications for Preliminary Plan approval for a subdivision shall be accompanied by an application fee of one hundred eighty dollars (\$180) for three (3) lots, plus ten dollars (\$10) for each additional lot, payable by check to the "City of Caribou". The Preliminary Plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Planning Board. Failure to do so shall require resubmission of a sketch plan to the Planning Board.
- B. A copy of all application materials shall also be forwarded to the Chair of the City Council for review and comment.
- C. The Planning Board may require that an expert consultant(s) be hired to assist in its review of an application. The applicant shall pay a reasonable fee necessary for such services. The Planning Board shall provide the applicant with notice of its intent to require such a fee, the purpose of the fee, and its approximate amount. The applicant shall be given an opportunity to be heard on the purpose and the amount before the Planning Board. After either being heard or waiving the right, the applicant shall pay the fee or appeal payment of the fee to the Board of Appeals.
- D. Irrespective of any other provision of this Ordinance or any other ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay the fee(s) or appeals the fee(s) determination. If the applicant appeals the payment of the fee(s) to the Board of Appeals, the Board shall decide whether the fee(s) is/are reasonable for the purpose found necessary by the Planning Board. The fee(s) shall be placed in an interest bearing escrow account in the "City of Caribou" name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision.
- E. The applicant, or their duly authorized representative, shall attend the meeting of the Planning Board to present the Preliminary Plan application.
- F. Within thirty (30) days of receiving the Preliminary Plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant in writing of the specific material needed to complete the application.
- G. Upon receiving an application for review, whether the application is complete or not, the Planning Board shall:
  1. Issue a dated receipt to the applicant.
  2. Determine whether to hold a public hearing on the Preliminary Plan application.
  3. Have the ~~City Clerk~~ Code Enforcement Officer, or their designee, notify in writing all owners of abutting property, or those property owners determined by the Planning Board to be impacted by the proposal, that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
  4. Have the ~~City Clerk~~ Code Enforcement Officer, or their designee, notify the Municipal Clerk and the Chair of the Planning Board of the neighboring municipality(ies) if any portion of the proposed subdivision includes or crosses the City boundary.
- H. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application, and shall post a notice of the date, time, and place of the hearing in the Aroostook Republican seven (7) days prior to the date of the hearing or at two (2) prominent

locations within the City at least seven (7) days prior to the hearing. ~~A copy of the notice shall be mailed to the applicant.~~

- I. Within thirty (30) days from the public hearing or within sixty (60) days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- J. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
  - 1. The specific changes which the Planning Board shall require in the Final Plan;
  - 2. The character and extent of the required improvements for which waivers may have been requested and which the Planning Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
  - 3. The construction items for which cost estimates and performance guarantees shall be required as prerequisite to the approval of the Final Plan. (See: Sec. 13-750)
- K. Approval of a Preliminary Plan by the Planning Board shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval to the Planning Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Planning Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

## **2. Preliminary Plan Requirements.**

The Preliminary Plan application shall consist of the following items.

- A. Application Form.
- B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the City. The location map shall show:
  - 1. Existing subdivisions in the proximity of the proposed subdivision.
  - 2. Locations and names of existing and proposed roads.
  - 3. Boundaries and designations of shoreland zoning Districts.
  - 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.
- C. Ten (10) full size sets (no greater than 24" X 36") and one electronic set of the Preliminary Plan and application shall be submitted to the CEO. These maps or drawings may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet (100') to the inch. Plans for subdivisions containing more than one hundred (100) acres can be drawn at a scale of not more than two hundred feet (200') to the inch provided all necessary detail can easily be read. The CEO shall distribute to each Planning Board member a set of the Preliminary Plan(s) and application no less than ~~seven (7)~~ 5 days prior to the meeting for their review and comment.
- D. The application for Preliminary Plan approval shall include the following information. The Planning Board may require additional information to be submitted, where it finds it necessary in order to determine whether the criteria of Title 30-A MRSA, §4404 are met.
  - 1. Proposed name of the subdivision and the City in which it is located, plus the tax map(s) and lot number(s).

2. Verification of right, title, or interest in the property.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and bearing the seal and signature of the Maine Licensed Professional Surveyor. The corners of the parcel shall be located on the ground and marked by artificial monuments (See: Sec. 13-700 (19)).
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any future covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
6. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Maine Licensed Site Evaluator or Registered Soil Scientist shall be provided. A map showing the location of all test pits dug on the site, the location of subsurface wastewater disposal systems within 100 feet of the property lines on adjacent parcels, and the locations of the proposed subsurface wastewater disposal systems shall be submitted.
7. Indication of the type of water supply system(s) to be used in the subdivision and the location of drinking water wells within 100 feet of the property lines on adjacent properties. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
8. The date the plan was prepared, North point, and graphic map scale.
9. The names and addresses of the record owner, applicant, adjoining property owners, and individual or company who prepared the plan.
10. A high intensity soil survey by a Maine Registered Soil Scientist.
11. Wetland areas shall be identified, regardless of size.
12. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height (DBM) shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall occur.
13. The location of all rivers, streams, and brooks within or adjacent to the proposed subdivision.
14. Contour lines at the interval of 10 feet or otherwise specified by the Planning Board, showing elevations in relation to the Mean Sea Level.
15. The shoreland zoning District, if applicable, in which the proposed subdivision is located and the location of any shoreland zoning boundaries affecting the subdivision.
16. The location of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.
17. The location, names, and present widths of existing roads, highways, easements, building lines, parks, and other usable open spaces on or adjacent to the subdivision.
18. The width and location of any roads, public improvements, or usable open space shown within the comprehensive plan within the subdivision.
19. The proposed lot lines with approximate dimensions and lot areas.
20. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
21. The location of any usable open space to be preserved and a description of proposed ownership, improvement, and management or usable open space shown within the comprehensive plan.
22. If any portion of the subdivision is in a floodprone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
23. A hydrogeologic assessment prepared by a Maine Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and any part of the subdivision is located over a sand and gravel aquifer, as shown on "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*" maps of the Maine Geological Survey.

The Planning Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils and where the proposal intends to use a shared or common subsurface waste water disposal system.

24. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from "*Trip Generation Manual*", latest edition, published

by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

25. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan.
26. If any portion of the proposed subdivision is in the direct watershed of a Great Pond and qualifies for the simplified review procedure for phosphorus control the plan shall indicate the location and dimensions of vegetative buffer areas or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

If any portion of the proposed subdivision is in the direct watershed of a Great Pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan.

- a. A Phosphorus Impact Analysis and Control Plan conducted using the procedures set forth in *"Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development,"* published by the Maine Department of Environmental Protection, latest edition. The Analysis and Control Plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.
  - b. A long-term maintenance plan for all phosphorus control measures.
  - c. The contour lines shown on the plan shall be at an interval of no less than ten (10) feet.
  - d. Areas with sustained slopes greater than 25 percent covering more than one acre.
27. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the City, or quasi-municipal districts. These lists shall include, but not be limited to:

Schools, including busing	Recreation facilities	Stormwater drainage
Police and fire protection	Wastewater treatment	Solid waste disposal
Water supply	Road maintenance and snow removal	

28. The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

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**Historical Note:** Section 13-404 §1A as amended April 24, 2006.

## **Sec. 13-405 Final Plan Procedure and Requirements.**

### **1. Final Plan Procedure.**

- A. Within twelve (12) months after the approval of the Preliminary Plan by the Planning Board, the applicant shall submit an application for approval of the Final Plan to the CEO at least ~~seven (7)~~ 10 days prior to a scheduled meeting of the Planning Board. Final Plan applications shall be submitted to the CEO. If the application for the Final Plan is not submitted within twelve (12) months after Preliminary Plan approval, the Planning Board shall require resubmission of the Preliminary Plan, except as stipulated below. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any changes required by the Planning Board.
- B. If an applicant cannot submit the Final Plan within twelve (12) months, due to delays caused by other regulatory bodies, or for other reasons, the applicant may request an extension from the Planning Board. Such a request for an extension to the filing deadline shall be made, in writing, to the CEO who shall pass the request along to the Planning Board for discussion at their next regularly scheduled meeting prior to the expiration of the filing period. In considering the request for an extension the Planning Board shall make findings of fact that the applicant has made due progress in preparation of the Final Plan and in pursuing approval of the plans before other agencies, and that City ordinances or regulations which may impact on the proposed development have not been amended.
- C. Irrespective of any other provision of this Ordinance or any other ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay the fee(s) or appeals the fee(s) determination. If the applicant appeals the payment of the fee(s) to the Board of Appeals, the Board shall decide whether the fee(s) is/are reasonable for the purpose found necessary by the Planning Board. The fee(s) shall be placed in an interest bearing escrow account in the "*City of Caribou*" name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision on the proposal.
- D. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where applicable:
  1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a Wastewater Discharge License is needed;
  2. Maine Department of Human Services, if the applicant proposes to provide a public water system;
  3. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized; and
  4. US Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- E. Within thirty (30) days of the receipt of the Final Plan application, the Planning Board shall determine whether the Final Plan application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board through the CEO, shall notify the applicant of the specific material needed to complete the application.

- F. Upon receiving an application for review, whether the application is complete or not, the Planning Board shall issue a dated receipt to the applicant. The Planning Board shall determine whether to hold a public hearing on the Final Plan application.
- G. The applicant, or their duly authorized representative, shall attend the meeting of the Planning Board or public hearing to discuss the Final Plan.
- H. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application, and shall post a notice of the date, time, and place of the hearing in the Aroostook Republican seven (7) days prior to the date of the hearing or at ~~three (3)~~ 2 prominent locations within the City at least seven (7) days prior to the hearing. ~~A copy of the notice shall be mailed to the applicant.~~
- I. The Planning Board, through the CEO, shall notify the Chair of the City Council, Highway Department ~~Foreman~~ Director, School Superintendent, Police Chief, and Fire Chief of the proposed subdivision, the number of units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial, or industrial buildings. The Planning Board shall request that these officials respond in writing upon the adequacy of existing capital facilities to service the proposed subdivision.
- J. Before the Planning Board grants approval of the Final Plan, the applicant shall meet the performance guarantee requirements of Sec. 13-750, if applicable.
- K. Within thirty (30) days from the public hearing or within sixty (60) days of having determined a complete application was submitted, if no public hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the review criteria for approval contained in Title 30-A MRSA, §4404 (Statute) and this Ordinance. If the Planning Board finds that all the criteria of the Statute and the standards of this Ordinance have been met, they shall approve the Final Plan. If the Planning Board finds that any of the criteria of the Statute or the standards of this Ordinance have not been met, the Planning Board shall either deny the application, or approve the application with conditions to ensure all of the standards shall be met by the subdivision. The reasons for any conditions shall be stated in the records of the Planning Board.

## 2. Final Plan Requirements.

- A. The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet (100') to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred feet (200') to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24" X 36" in size. Space shall be reserved on the plan for endorsement by the Planning Board. Two recording plans on Mylar transparencies, one to be recorded at the Aroostook County Registry of Deeds, Northern Southern Office and the other to be filed at the City Office, and three paper copies of the Mylar transparencies of the recording plan shall be submitted. In addition, 1 electronic copy and seven (7) copies of the plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information, shall be submitted to the CEO and mailed delivered to each Planning Board member no less than seven (7) 5 days prior to the meeting for their review and comment.
- B. The Final Plan shall include all of the required information contained in the above Preliminary Plan Requirements, and be accompanied by the following information:
  - 1. If different than those submitted with the Preliminary Plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
  - 2. If different than those submitted with the Preliminary Plan, the location, names, widths, and geometrics of existing and proposed roads, assess points, highways, easements, buildings, parks, and other usable open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing, and length of every road line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The

location, bearing, and length of road lines, lot lines, and parcel boundary lines shall bear the seal and signature of a Maine Licensed Professional Surveyor.

3. An erosion and sedimentation control plan prepared in accordance with the "*Environmental Quality Handbook*", latest edition, published by the Maine Soil and Water Conservation Commission or appropriate "*Best Management Practices*". The Planning Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a Great Pond, and upon a finding that the proposed subdivision shall not involve road construction, and that no driveway or house construction shall occur on sites with slopes steeper than 10 percent.
4. A storm water management plan, prepared by a registered professional engineer in accordance with "*Urban Hydrology for Small Watersheds, T.R. 55 or T.R. 20*", latest edition, published by the Natural Resources Conservation Service. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Planning Board may waive submission of the storm water management plan only if the subdivision is not in the watershed of a Great Pond, and upon a finding that the proposed subdivision shall not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 10 percent of the area of the subdivision.
5. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. A Phase I Environmental Site Assessment Review statement. Written offers to convey title to the City of all public ways and usable open spaces shown on the plan, and copies of agreements or other documents showing the manner in which usable open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed roads and/or usable open spaces or other land is to be offered to the City, written evidence that the City Council is satisfied with the legal sufficiency of the written offer to convey title shall be included.
6. A list of construction items, with cost estimates, that shall be completed by the developer prior to the sale of lots, and evidence that the developer has financial commitments or resources to cover these costs.
7. A performance bond may be required to secure completion of all public improvements required by the Planning Board, and written evidence that the City Council is satisfied with the legal sufficiency of the bond.
8. The Final Plan shall be accompanied by certification either by a duly authorized Maine Registered Engineer or by the Building Inspector of Caribou or by both, as required by the Planning Board, that the design of sewer and water facilities and roads and utilities in the proposed subdivision conform to the requirements of all applicable, federal, state, and local rules, laws, and regulations. The cost of inspection shall be borne by the applicant or subdivider.
9. Suitable space to record on the approved plan, the date, and conditions of approval, if any. This space shall be similar to the following example:

**City of Caribou**

Approved by the Caribou Planning Board

Signed: \_\_\_\_\_ Chair of the Planning Board  
\_\_\_\_\_ (space for all Planning Board  
\_\_\_\_\_ members to sign)  
\_\_\_\_\_

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

Conditions: \_\_\_\_\_  
\_\_\_\_\_

### 3. Final Approval and Filing.

- A. A plan may be reviewed by the Planning Board, however, no plan shall be approved by the Planning Board as long as the applicant is in violation of provisions of federal, state, or local laws, rules, and regulations and a previously approved plan within the City.
- B. Upon findings of fact and determination that all standards in Title 30-A MRSA, §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Planning Board shall sign the Final Plan(s). The Planning Board shall specify in writing its findings of fact and reasons for any conditions or denial. One copy of the signed recording plan on Mylar transparency shall be forwarded to the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office, one copy of the signed Final Plan on Mylar transparency shall be retained by the City as part of the permanent records, and one paper copy of the Mylar transparency of the recording plan shall be retained by the Planning Board. Any subdivision not recorded in the Aroostook County Registry of Deeds, Northern Office within ninety (90) days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.

- A. 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 Planning Board deems necessary in order to ensure the orderly development of the plan. If any City or quasi-municipal department head notified of the proposed subdivision informs the Planning Board that their department or district does not have adequate capital facilities to service the subdivision, the Planning Board shall require the plan to be divided into two or more sections subject to any conditions the Planning

Board deems necessary in order to allow the orderly planning, financing, and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the City's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition, or purchase.

If the Superintendent of Schools indicates that there is less than 20 percent excess classroom capacity existing in the school(s) which shall serve the subdivision, considering previously approved but not built subdivisions, the Planning Board shall require the plan to be divided into sections to prevent classroom overcrowding.

- D. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a waiver from any applicable subdivision standard, that fact must be expressly delineated on the face of the final recording plans.
1. In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded with the City Clerk and the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office. This certificate must:
    - a. Indicate the name of the property owner;
    - b. Identify the property by reference to the last recorded deed in its chain of title; and
    - c. Indicate the fact that a waiver, including any conditions on the waiver, has been granted and the date of granting.
  2. The waiver is not valid until it is recorded as provided in this paragraph. Recording of the plan must occur within ninety (90) days of the final subdivision approval or approval under Title 38, where applicable, whichever date is later, or the waiver is null and void.

- E. 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 revised Final Plan is first submitted and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the criteria of Title 30-A MRSA, §4404, and the standards of this Ordinance. In the event that a plan is recorded without complying with this requirement, the City shall provide to the Aroostook County Registry of Deeds, Northern Office an affidavit to be recorded over or attached to the plan. The

Planning Board may institute proceedings to have the plan stricken from the records of the Aroostook County Registry of Deeds, Northern Office.

- F. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the City of any road, easement, or other usable open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the City, approval of the plan shall not constitute an acceptance by the City of such areas. The acceptance of dedicated lands shall be made only by the City Council. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the City covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- G. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within three (3) years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office to that effect.

### **Sec. 13-406 Subdivision Review Criteria.**

- 1. Where the Planning Board finds that extraordinary and unnecessary hardships may result from the strict compliance with this Ordinance, or where there are special circumstances of a particular plan, the Planning Board may waive, in writing, any of the application requirements or non-statutory performance standards or general requirements---provided that such waiver shall not have the effect of nullifying the purpose of these Ordinances, the comprehensive plan, the Shoreland Zoning Ordinance, or any other federal, state, and local rule, law, ordinance, or regulation. Any such waiver shall be duly noted on the final recording Plan. In granting any waiver, the Planning Board shall require such conditions as shall, in its judgment, secure substantially the objectives of the requirements so waived.
- 2. When reviewing a proposed subdivision, the Planning Board shall review the application for conformance with the following review criteria and shall make findings of fact that each criteria has been met prior to the approval of the Final Plan. The following review criteria shall not be waived. The Planning Board shall determine that:
  - A. **Pollution.** The proposed subdivision shall not result in undue water or air pollution. In making this determination, it shall at least consider:
    - 1. The elevation of land above sea level and its relation to the flood plains,
    - 2. The nature of the soils and subsoils and their ability to adequately support waste disposal,
    - 3. The slope of the land and its effect on effluents,
    - 4. The availability of streams for disposal of effluents, and
    - 5. The applicability of state and local health and water resource rules and regulations;
  - B. **Sufficient Water.** 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 used;
  - D. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the capacity of the land 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;
  - F. **Sewage Disposal.** The proposed subdivision will provide for adequate sewage waste disposal and not cause an unreasonable burden on City services, if they are to be utilized;

- G. **Solid Waste Disposal.** The proposed subdivision will not cause an unreasonable burden on the ability of the City to dispose of solid waste, if City services are to be utilized;
- H. **Aesthetic, Cultural, and Natural Values.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the City, rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- I. **Conformity with Local Ordinances and Plans.** The proposed subdivision is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans;
- J. **Financial and Technical Capacity.** The developer has adequate financial and technical capacity to meet all criteria contained within these regulations;
- K. **Surface Waters and Outstanding River Segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, Great Pond, or river as defined in Title 38, chapter 3, subchapter I, article 2-B, §435-449, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
1. When lots in a subdivision have frontage on an outstanding river segment, as defined in Title 30-A, M.R.S.A., §4401, subsection 7, the proposed subdivision plan shall require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
    - a. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
    - b. These frontage and set-back provisions shall not apply either within areas zoned as general development or its equivalent under Shoreland Zoning, Title 38, chapter 3, subchapter I, article 2-B, §435-449, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definition requirements of §4401, subsection 1, on September 23, 1983;
- L. **Groundwater.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
- M. **Flood Areas.** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, whether the subdivision is in a floodprone area. If the subdivision, or any part of it, is in such an area the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- N. **Freshwater Wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. 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 these Ordinances, "*river, stream, or brook*" has the same meaning as in Title 38, §480-B, subsection 9;
- P. **Stormwater.** The proposed subdivision will provide for adequate stormwater management; and,

- Q. **Spaghetti Lots Prohibited.** The proposed subdivision shall not create lots with a lot depth to front frontage ratio of greater than 5:1.

## **Sec. 13-407 General Requirements for Subdivisions.**

The General Requirements contained within this Section and the applicable standards in Sec. 13-700, "*General Requirements*"; Sec. 13-710, "*Access Management, Off-Street Parking, Loading, and Road Design and Construction Standards*"; Sec. 13-200, "*Zoning Ordinance*"; and Sec. 13-408, "*Mobile Homes*" shall be met by all subdivisions. The applicable standards of these Sections are intended to clarify the review criteria and provide guidance. In reviewing a proposed development, the Planning Board shall review the application for conformance to these standards and make findings of fact prior to approval of the Final Plan. The burden of proof of conformance is with the applicant and they shall provide clear and convincing evidence that the proposed Final Plan meets these standards and the review criteria.

### **1. Blocks.**

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

1. Provision of adequate building sites suitable to the needs of the proposed use.
2. Zoning requirements as to lot sizes and dimensions.
3. Needs for access, circulation, control, and safety of traffic.
4. Limitations and opportunities of topography.
5. Block lengths shall not exceed 1,800 feet or be less than 500 feet and no block shall be less than 200 feet in width for residential use. These restrictions shall not apply in any rural District, except when a development proposal reflects the creation of blocks.

### **2. Relation of Subdivision to Community Facilities.**

A proposed subdivision shall, in the opinion of the Planning Board, be suitably located with respect to community facilities such as schools, playgrounds, and parks.

### **3. Performance Guarantees.**

When it has been determined that a performance guarantee is required, the standards contained Sec. 13-750 shall be used.

### **4. Parking, Driveways, Roads, and Sidewalks.**

Parking, driveways, roads, and sidewalks within a subdivision shall conform to Sec. 13-700 (28) and Sec. 13-710.

## **Sec. 13-408 Mobile Home Parks.**

### **1. MANUFACTURED HOUSING ORDINANCE, CITY OF CARIBOU**

Purpose: The purpose of this ordinance is to ensure quality, safe, and affordable housing for Caribou residents.

#### **1. Mobile Home Parks & Manufactured Housing Administration**

- a) A mobile home park shall comply with the standards contained within this Ordinance, the Maine Manufactured Housing Board and all other applicable state statutes regarding the establishment and maintenance of a mobile home park.
- b) The owner of a mobile home park must maintain a list of all tenants containing the following information: name and mailing address of each owner of manufactured housing located within the park, manufacturer's

name, model number, year, serial number, and lot identification/number. This list must be submitted annually to the assessor's office by April 15 with information current as of April 1.

- c) No manufactured housing may be moved into a mobile home park nor any Certificate of Occupancy issued for any mobile home park which does not have a current license with the State of Maine to operate as a mobile home park or a park which has been determined by the Code Enforcement Officer to be out of compliance with this ordinance.
- d) Mobile home parks constructed after the effective date of this ordinance are required to undergo City of Caribou subdivision and site design review with all plans prepared by a certified engineer.
- e) Upon the effective date of this ordinance, owners of mobile home parks must obtain a permit from City Code Enforcement Officer before any manufactured housing unit is allowed to enter the mobile home park.
- f) A mobile home park owner wishing to appoint an agent who can act on the park owner's behalf must complete the City of Caribou Property Management Application form. Only agents duly appointed through the approved Property Management Application process shall be authorized to act on behalf of the park owner.
- g) Mobile home park owners are responsible for compliance with the City of Caribou Property Maintenance Code for all lots within the park regardless of the ownership of the manufactured housing unit.
- h) No manufactured housing may be occupied until a Certificate of Occupancy has been issued by the Code Enforcement Officer or at his/her discretion the Building Inspector.
- i) No manufactured housing may be brought into Caribou or moved within the City without written proof of property tax being paid for the current tax year and all previous years from Caribou or the municipality where the housing unit was last assessed.
- j) No mobile homes shall be brought into the City that are not manufactured according to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq.; 24 CFR Part 3280 and Part 3282.

## **2. Manufactured Housing Design Standards**

Manufactured Housing Design Requirements- All manufactured housing to be located to within the City from outside of the City or all manufactured housing relocated from within the City after the effective date of this Ordinance must comply with the following:

- a) Maine Manufactured Housing Board Standards for installation for newly constructed units.
- b) Shall be placed on a permanent foundation.
- c) All manufactured housing located on private lots or in mobile home parks whether rented, leased or owned are required to have siding that is residential in appearance or the original factory installed siding.
- d) All manufactured housing is required to be enclosed between the bottom of the home and the ground with material that is residential in nature or the original factory installed siding.
- e) A pitched shingled roof or the factory installed roof.
- f) Accessory structures, including but not limited to decks, porches, car ports, garages, steps, ramps, entry ways, covered entry ways, which are not part of the original manufactured housing as approved by the State of Maine are subject to City building and zoning codes including, but not limited to, land use ordinances and the Maine Uniform Building and Energy Code.

### 3. Definitions

The terms “Manufactured Housing”, “Mobile Home Park”, “Mobile Home Park Lot”, “Mobile Home Subdivision or Development”, “Permanent Foundation” and “Pitched, Shingled Roof” shall have the same definitions as set forth in Title 30-A MRSA Section 4358 as it may be amended, from time to time.

### 4. Effective Date

This ordinance shall become effective in accordance with the Caribou City Charter Section 2.12(d). (Editors Note: This section became effective April 7, 2015)

## **Sec. 13-409 Cluster Development.**

Cluster development is an option for parcels of 10 acres or greater. The following cluster development standards should be used as a means to preserve open space, including farm and forestland. Cluster development is one of the most important ways of controlling sprawl and minimizing the conversion of open space to residential use, while allowing residential development to take place. Commercial and industrial uses can also be clustered but, under different standards.

#### A. Purposes.

The purposes of this Section are:

1. To provide for efficient use of land not possible under traditional lot-by-lot size requirements, provided that the net density shall be no greater than is permitted, unless a density bonus is granted to the applicant;
2. To provide for the preservation of parks, recreation, and open space areas;
3. To provide for a more attractive, varied arrangement of dwelling units and open space on a particular parcel;
4. To provide for the location of housing units and other uses where they are least visible and hidden by topography or vegetation, therefore minimizing perceived densities;
5. To provide for orderly development in the rural areas and maintain the rural character of the community by preserving tree masses, stream valleys, woodlands, of views and scenic vistas, and other significant natural features;
6. To provide for reasonable standards for the perpetual maintenance of community or privately owned facilities necessary to service the development;
7. To preserve and protect environmentally sensitive areas; and
8. To allow for new and innovative approaches to housing development and discourage the location of housing units in strip fashion along rural roads.

Notwithstanding other provisions of this and other ordinances relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

#### B. Application Procedures.

An application for cluster development shall follow the same procedures as for a standard subdivision and address the following additional requirements:

1. The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Planning Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. Where an applicant elects or is required to cluster, a written application shall be submitted to the Planning Board. Two sketch plans shall be submitted with one layout as a standard traditional subdivision and the other as a cluster development indicating open space and significant natural features. Each lot in the standard traditional subdivision shall meet the minimum lot size

and lot width requirements, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of lots in the cluster may exceed the number of lots in the standard subdivision (density bonus), with approval from the Planning Board.

2. A written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate to high value wildlife and waterfowl habitats, moderate to high yield aquifers, preserving prime agricultural and forestland areas and soils, large trees, woods, ponds, rock outcrops, and other important natural or historic sites. The statement shall also compare the impact upon the community by both proposals. Examples of impacts are, municipal costs for roads, schools, school busing, solid waste management, utility efficiency, recreational opportunities, protection of flood water storage areas, and environmental impacts on sensitive lands.
3. For purposes of this Section, the tract or parcel to be developed shall be in single ownership, or the subject of an application filed jointly by the owners of all the property included.
4. Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The applicant shall file with the City, at the time of submission of the Final Plan for subdivision approval, a performance guarantee (See: Sec. 13-750).
5. Within thirty (30) days of determining that the application is complete, the Planning Board shall determine whether to allow the subdivision to be developed in accordance with the standards of this Ordinance based upon findings that:
  - a. The site contains natural features of the type worthy of preservation; and
  - b. Those natural features could not adequately be preserved in a standard subdivision layout; or
  - c. A clustered development will permit more efficient creation and utilization of infrastructure and provision of municipal and quasi-municipal services than would a standard subdivision layout.

C. Basic Requirements for Cluster Development.

1. Cluster development shall be a minimum of 10 acres and shall meet all requirements for a subdivision, the City's road design and construction standards, all other applicable federal, state, and local rules, laws, ordinances or regulations.
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The applicant shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service, and parking and in so doing shall take into consideration all requirements of this Section and these Ordinances.
3. The maximum allowed reduction in the size of individual lots is 25 percent. However, a larger reduction can be made if site conditions can be proven by the applicant to support smaller lot sizes.
4. The maximum net density allowed in cluster developments shall be calculated on the basis of the "*Qualifying Land Area*" standards contained below.
5. Unless a public sewer or community sewage collection and treatment system is provided, no lot shall be smaller than 20,000 square feet. No unit shall be constructed on any lot with soil considered as being "very poorly" drained.
6. The total area of open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required, except where density bonuses are permitted.
7. Every building lot that is reduced in area below the amount normally required should abut the open space area for a distance of 50 feet, or be within 1000 feet distance from the open space area.
8. Distance between buildings shall not be less than 20 feet.
9. In rural areas, no individual lots shall have frontage on an existing road at the time of development. There shall be a setback of 50 feet from the main public access road and from interior roads that are constructed as part of the cluster development. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment maneuverability, snow removal, road maintenance, and delivery and collection services.
10. In no case shall shore frontage and setback be reduced below the minimums normally required by the Caribou Shoreland Zoning Ordinance.
11. Where a cluster development abuts a body of water, a usable portion of the shoreline, which shall be a minimum of 100 feet, as well as reasonable access to it, shall be a part of the open space land.

12. When individual wells are to be utilized, a drilled well with casing, shall be provided on each lot by the developer/builder. The location of all wells shall be shown on the plan. The applicant shall demonstrate the availability of water adequate in quantity and quality for domestic purposes, as well quantity for fire safety. The Planning Board may require the construction of fire ponds and/or dry hydrants.
13. The location of subsurface sewage disposal systems and an equivalent reserve area for a replacement system(s) shall be shown on the plan. The report of a licensed Site Evaluator shall accompany the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering, shall be obtained prior to Planning Board approval.

D. Siting and Buffering Standards.

1. Buildings shall be oriented with respect to views and scenic vistas, natural landscape features, topography, south facing slopes (wherever possible), and natural drainage areas, in accordance with an overall plan for site development and landscaping. A site inspection shall be conducted by the Planning Board prior to approval. Once approved, the plan shall not be altered in any manner, without prior approval of the Planning Board.
2. Buildings shall be designed and planned to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs, where allowed, insofar as practical.
3. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen, at least 4 feet high, shall be erected along the property line, in addition to the "green" perimeter strip described below.
4. Other than any land within shoreland zoning, a "green" vegetative perimeter strip, not less than 20 feet wide, shall be maintained with grass, bushes, flowers, scrubs, and/or trees alongside all lot or rear lot lines of the property as a whole, and (except for entrance and exit driveways) along the entire frontage of such lot. Such "green" strip shall not be built upon, paved, or used for parking or storage. There shall be no removal of trees over 4" in diameter within this buffer. In the shoreland zoning area, vegetation shall be retained in its natural state.
5. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. Adequate provision shall be made for storm waters, with particular concern for the effects of erosion from the site. Erosion resulting from any improvements to the site shall be prevented by landscaping or other means. The Planning Board may require that an erosion and sedimentation control plan be made and that the developer take appropriate measures to prevent and correct soil erosion in the proposed development.
6. All utilities shall be installed underground, whenever possible. Transformer boxes, pumping stations, and meters shall be located so as to not be unsightly, hazardous to the public, or detract from the natural beauty of the development.

E. Preservation and Maintenance of Open Space and Facilities.

1. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of open space. Open space shall be used for agriculture, non-commercial recreation, forestry, or conservation. However, easements for public utilities may be permitted in the open space area, with prior approval of the Planning Board.
2. There shall be no land development within the open space without the prior approval of the Planning Board.
3. The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:
  - a. The open space shall not be used for future buildings lots or development; and
  - b. A part or all of the open space may, at the option of the City, be dedicated for acceptance by the City. Such dedication shall take place after final approval of the project. Final acceptance by the City of dedicated open space rests with the City.
4. If any or all of the open space is to be reserved as common open space for use by the residents, the by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The developer shall maintain control of such open space(s) and be responsible for its maintenance until development sufficient to support the association has taken place. Such

determination shall be made by the Planning Board upon the request of the homeowners association or the developer.

5. Covenants for mandatory membership in the association, setting forth the owner's rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot (i.e. annual fee to the association for lawn mowing, snow removal, solid waste management, municipal assessments, neighborhood recreational facilities, etc.). A clause should be added to every deed that any unpaid association fees, plus interest, shall be paid at the time of a deed transfer and the association will receive first "dibs".
6. Open space land may be leased for agriculture or forestry purposes provided that development rights for the open space land are held by the homeowners association. The legal instruments for the development rights shall be submitted to and reviewed by the Planning Board and approved by the homeowners association.

F. Qualifying Land Area.

To determine the number of lots/dwelling units permitted in a subdivision, the applicant shall perform the following calculations and submit evidence in the form of plans and data to verify the calculations.

**Net Buildable Acreage Calculation**

A. From the gross acreage of the site ( \_\_\_\_\_ acres) subtract the following:

1.	Existing road rights-of-way <sup>1</sup> .	_____	acres
2.	Proposed rights-of-way <sup>1</sup> .	_____	acres
3.	Noncontiguous land <sup>2</sup> .	_____	acres
4.	100% of the RP and SP Districts <sup>3</sup> .	_____	acres
5.	100% of the 100 year floodplain land <sup>4</sup> .	_____	acres
6.	100% of the wetlands, NRPA Class I and II <sup>4</sup> .	_____	acres
7.	50% of the wetlands, NRPA Class III <sup>4</sup> .	_____	acres
8.	100% of ponds or lakes.	_____	acres
9.	50% of slopes from 15-25%.	_____	acres
10.	85% of slopes over 25%.	_____	acres
	<b>Net Buildable Acreage (NBA)</b>	_____	acres

1 Include shoulder and ditches in width calculation.  
 2 Land separated by roads or railroads, or land linked by a strip less than 50' wide.  
 3 Resource Protection and Stream Protection.  
 4 Where this overlaps, the overlapping acreage shall be counted only once.

**Net Density Calculation:**

A. Multiply the (NBA) by the minimum lot size requirement (SF). \_\_\_\_\_ lots

(This figure is determined by dividing 43,560 by the minimum lot size requirement... i.e. 40,000 square feet = .9183)

B. Multiply the result by 10% (density bonus). \_\_\_\_\_ lots

C. Add the results of "A" and "B". **Total Allowable Lots** \_\_\_\_\_ lots

**Dimensional Standards**

A. Traditional Minimum Lot Size: \_\_\_\_\_ SF

B. Maximum reduction in size of individual lots is: (25%) \_\_\_\_\_

C. Clustered Minimum Lot Size: (25% of Traditional Minimum Size) \_\_\_\_\_ SF

D. Minimum Lot Width: \_\_\_\_\_ feet

E. Minimum Yards

Front (from ROW) \_\_\_\_\_ feet

Rear \_\_\_\_\_ feet

Side \_\_\_\_\_ feet