

ARTICLE X
Performance Standards

§ 275-30. Intent.

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (30-A M.R.S.A. § 4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines of Article XI shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article XI may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

§ 275-31. Pollution.

- A. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
- B. Discharges of stormwater shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the subdivision is within the watershed of a great pond, the stormwater shall be treated in order to remove excess nutrients.

§ 275-32. Sufficient water.

- A. Water supply.
 - (1) When practical, any major or minor subdivision shall make provisions for connection to the public water system if the Sanford Water District indicates that it can provide water service. Connection shall be deemed practical if the subdivision is:
 - (a) Within an area designated in the 1992 Comprehensive Plan as a growth area;
 - (b) Adjacent to a public water main; or
 - (c) A major subdivision that is within 1,500 feet or a minor subdivision that is within 200 feet of an existing public water main as measured along the center line of public streets to the nearest point of the parcel.
 - (2) When a subdivision will be served by the public water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Sanford Water District and the Fire Chief. The system shall be designed by a professional engineer registered in the State of Maine.

- (3) When a proposed subdivision will not be served by the public water system, water supply shall be from individual wells or a private community water system.
- (a) Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
 - (b) Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
 - (c) If a central water supply system is provided by the applicant, the location and protection of the source and the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A CMR 231).
 - (d) In areas where the Planning Board determines, based upon the written recommendation of the Fire Chief or his designee, that a reliable water supply for fire-fighting purposes is not available within 0.5 mile of the site, the subdivider shall be responsible for providing adequate fire protection water supply. Subdivisions shall provide adequate fire protection water supply in accordance with NFPA 1231. Acceptable methods include, but are not limited to, fire ponds with an approved dry hydrant, underground storage reservoirs with an approved dry hydrant or approved residential sprinkler systems in each principal building. An easement shall be granted to the Town for access to and maintenance of dry hydrants or reservoirs where necessary.
 - (e) The construction of waterlines shall include the construction of laterals to the property line of each lot created.
- B. Water quality. Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

§ 275-33. Impact on existing water supplies.

In meeting the standards of § 275-32A, a proposed subdivision shall not generate a demand on the source, treatment facilities, or distribution system of the Sanford Water District beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of improvements to the District's system as necessary to alleviate any deficiencies or expand the capacity of the system needed to service the subdivision.

§ 275-34. Soil erosion.

- A. The proposed subdivision shall prevent soil erosion from entering water bodies,

wetlands, and adjacent properties.

- B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and cleanup stages.
- C. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations unless the removal has received site plan approval in accordance with the mineral extraction provisions of Chapter 280, Zoning.

§ 275-35. Traffic conditions.

- A. At a minimum, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
 - (1) Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
 - (2) Avoid traffic congestion on any street; and
 - (3) Provide safe and convenient circulation on adjacent public streets and within the subdivision.
- B. More specifically, access and circulation shall also conform to the following standards:
 - (1) The vehicular access to the subdivision shall be arranged to avoid generating significant additional through traffic on existing local, residential streets.
 - (2) The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. Intersections on major access routes to the site which are functioning at a Level of Service of C (see definition) or better prior to the development will function at a minimum of Level of Service C after development. If any intersection is functioning at a Level of Service of D or lower prior to the development, the project will not reduce the current level of service. The Planning Board may approve a subdivision not meeting this requirement if the applicant demonstrates that:
 - (a) A public agency has committed funds to construct improvements necessary to bring or maintain the level of service at this standard; or
 - (b) The applicant will assume the financial responsibility for the improvements necessary to maintain or bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town.
 - (3) Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways, and traffic controls within existing public streets consistent with accepted highway design standards.

- (4) Accessways to nonresidential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.
 - (5) Where site conditions allow, provision shall be made for the extension of streets to connect with nearby streets and to provide access to adjoining lots of similar existing or potential use. Such interconnected streets shall be designed to discourage use by through traffic.
- C. Streets shall be named in accordance with Chapter 226, Article II, Road Names and Building Numbers, of the Town Code. The developer shall either install street name, traffic safety, and control signs meeting Town specifications or reimburse the Town for the costs of their installation. Streetlighting shall be installed by the developer as approved by the Board.
- D. Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan and be suitably covered with fill and topsoil, limed, fertilized, and seeded and identified on the record drawings.

§ 275-36. Sewage disposal.

A. Public system.

- (1) When practical, any major or minor subdivision shall make provisions for connection to the public sewer system if the Sanford Sewerage District indicates that it can provide sewer service. Connection shall be deemed practical if the subdivision is:
 - (a) Within an area designated in the 1992 Comprehensive Plan as a growth area;
 - (b) Adjacent to a public sewer; or
 - (c) A major subdivision that is within 1,500 feet or a minor subdivision that is within 200 feet of an existing public sewer as measured along the center line of public streets to the nearest point of the parcel.
- (2) When a subdivision will be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
- (3) The Sanford Sewerage District shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
- (4) All components of the sanitary sewerage system must be designed by a professional engineer registered in the State of Maine. The Sewerage District shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall

be reviewed and approved in writing by the District. All components of the system shall be tested for full compliance with the design specifications and construction practices established by the District.

- (5) The construction of sewer lines shall include the construction of laterals to the property line of each lot created.
- (6) Upstream sewage flows shall be accommodated by an adequately sized system through the proposed subdivision for existing conditions and potential development in the upstream area or areas tributary to the proposed development.

B. Private systems.

- (1) When a proposed subdivision is not within the area designated for public sewage disposal service in the Comprehensive Plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface wastewater disposal systems or a private treatment facility with surface discharge.
- (2) The applicant shall submit evidence of site 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.
 - (a) The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough for a disposal area on soils which meet the Disposal Rules.
 - (b) On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
 - (c) In no instance shall a disposal area be on a site which requires a new system variance from the Subsurface Wastewater Disposal Rules.

§ 275-37. Solid waste.

The applicant shall provide written verification from the Director of Public Works that the municipal solid waste system can accommodate the types and volumes of wastes anticipated to be generated by the occupants of the subdivision. If the solid waste from the proposed subdivision cannot be accommodated without exceeding the current contractual limit with the disposal facility, the Planning Board shall require the applicant to make alternate arrangements for the disposal of the solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may require the alternate arrangement until a new contract is negotiated or for up to five years, whichever is less.

§ 275-38. Impact on aesthetics, open spaces, historic areas, wildlife habitat and shoreline access.

A. Preservation of natural beauty and aesthetics.

- (1) The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
- (2) Except in areas of the municipality designated by the Comprehensive Plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.
- (3) The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, and graded contours.
- (4) When a proposed subdivision street traverses open fields, the plans shall include the planting of street trees.

B. Retention of open spaces and natural, historic, or archaeological features.

- (1) If any portion of the subdivision is located within an area designated by the Comprehensive Plan as open space, that portion shall be reserved for open space preservation.
- (2) If any portion of the subdivision is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
- (3) If any portion of the subdivision is designated a site of historic, prehistoric, or archaeological importance by the Comprehensive Plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic, prehistoric, or archaeological resources shall be included in the plan.

C. Protection of significant wildlife habitat.

- (1) If any portion of a proposed major subdivision lies within the following areas, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports:
 - (a) Two hundred fifty feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the Comprehensive Plan as:
 - [1] Habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - [2] High and moderate value waterfowl habitats, including nesting and feeding areas; or
 - [3] A high or moderate value deer wintering area or travel corridor; or
 - (b) Other important habitat areas identified in the Comprehensive Plan.
- (2) A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance

of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

- D. Shoreline access. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way or should be included in the open space with provisions made for continued public access.

§ 275-39. Conformance with other regulations.

All lots shall meet the minimum dimensional requirements of Chapter 280, Zoning, and Chapter 270, Shoreland Zoning, for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from Chapter 280, Zoning, Chapter 270, Shoreland Zoning, Chapter 275, Floodplain Management, and all other applicable land use regulations. If there is a conflict between the requirements of this chapter and any other ordinance or between the requirements of other ordinances, the more stringent requirement shall apply.

§ 275-40. Financial and technical capacity.

- A. Financial capacity. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations, the Board shall consider the proposed time frame for construction and the effects of inflation.
- B. Technical ability.
- (1) The applicant shall retain qualified contractors and consultants to supervise, construct, and inspect the required improvements in the proposed subdivision.
 - (2) In determining the applicant's technical ability, the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals involving the applicant, consultants, contractors, or other agents of the applicant.

§ 275-41. Impact on water quality or shoreline.

The application shall demonstrate that the cutting or removal of vegetation along water bodies will not increase water temperature or result in shoreline erosion or sedimentation of water bodies.

§ 275-42. Impact on groundwater quality or quantity.

- A. Groundwater quality.
- (1) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

- (a) A map showing the basic soils types.
 - (b) The depth to the water table at representative points throughout the subdivision.
 - (c) Drainage conditions throughout the subdivision.
 - (d) Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - (e) An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries, or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - (f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
- (2) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - (3) No subdivision shall increase any contaminant concentration in the groundwater to more than 1/2 of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.
 - (4) If groundwater contains contaminants in excess of the primary standards and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - (5) If groundwater contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
 - (6) Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce groundwater contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan and as restrictions in the deeds to the affected lots.
- B. Groundwater quantity.
- (1) Groundwater withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
 - (2) A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

§ 275-43. Floodplain management.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

- A. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damages.
- B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly state that the municipality will enforce the construction requirements, and that fact shall also be included in the deed or any other document previously described.

§ 275-44. Identification of freshwater wetlands.

Freshwater wetlands, including forested wetlands, shall be identified and mapped in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.

§ 275-45. Stormwater management.

- A. Adequate provision shall be made for the management of the quantity and quality of all stormwater generated within the subdivision and any drained groundwater through a management system using practices equivalent to those described in "Stormwater Management for Maine: Best Management Practices," published by the Maine Department of Environmental Protection, 1995. The stormwater management system shall be designed to meet the following standards:
 - (1) Quantity. Peak discharge rates shall be limited to the predevelopment levels for the two-year, ten-year, and twenty-five-year frequency, twenty-four-hour duration storm unless stormwater from the subdivision will drain directly into the Mousam River, Number One Pond, Estes Lake, or Bauneg Beg Pond, or other large water body approved by the Town Engineer as having adequate capacity to absorb the increased runoff without adverse impacts.
 - (2) Quality.
 - (a) Major subdivisions. Stormwater runoff in major subdivisions must conform to the State of Maine Stormwater Quality Standards and obtain a stormwater permit from the DEP.
 - (b) Minor subdivisions. Stormwater runoff in minor subdivisions must conform to the State of Maine Stormwater Quality Standards and obtain a permit from the DEP if the project is subject to the state standards. If a stormwater permit is not required, the stormwater shall be treated by the use of best management practices equivalent to those described in

"Stormwater Management for Maine: Best Management Practices," published by the Maine Department of Environmental Protection, 1995, to achieve, by design, a fifteen-percent reduction in total suspended solids.

- B. Where necessary to achieve the above standards, 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. Whenever elements of the storm drainage system are not within the right-of-way of a public street and the facilities will not be offered to the Town for acceptance as public facilities, perpetual easements not less than 30 feet in width shall be provided to the municipality allowing maintenance and improvement of the system. If there are elements of the stormwater system serving more than one lot that require future maintenance to remain effective that are located outside of the right-of-way of a proposed public street, the Planning Board may require that the applicant offer to give these to the Town with a condition of approval that the Town be permitted to assess the lot owners on a pro rata basis for the costs of the future maintenance of these stormwater facilities. A note relative to this condition of approval shall appear on the approved plan and an indication of the condition of approval shall be placed in the deed of each lot subject to the condition. When an offer of dedication is required by the Planning Board, the applicant shall be responsible for the maintenance of these stormwater facilities until they are accepted by the Town.

§ 275-46. Recreation and open space areas.

The applicant shall be responsible for demonstrating that there are adequate recreational areas and open space to meet the needs of the residents of the subdivision. The Planning Board may approve a subdivision without any provision for recreational areas or open space if it determines, based upon the recommendation of the Director of Public Works, that there are adequate recreation facilities and open space in the neighborhood to serve the proposed subdivision and other development that can be reasonably expected to occur in the neighborhood. If the Board determines that there are inadequate recreational facilities and open space to serve the proposed development, the provisions for recreational or open space use shall depend on the proposed lot sizes within the subdivision. If the average lot size is less than 20,000 square feet, the equivalent of an area equal to at least 10% of the total area of the subdivision shall be provided for recreation and open space. If the average lot size is 20,000 square feet or more, the equivalent of an area equal to at least 5% of the site shall be provided.

- A. This requirement can be met through the following methods:

- (1) The applicant may propose to dedicate land to the Town that is shown in the Comprehensive Plan or Open Space Plan as being desired for recreational or open use in accordance with Subsection B; or
- (2) The applicant may propose to make a payment in lieu of dedication of land in accordance with Subsection C.

- B. If the applicant proposes to dedicate land:

- (1) The land proposed for dedication must be approved as being suitable for

municipal recreation and/or open space use by the Director of Public Works.

- (2) The size of the area proposed to be dedicated shall be equal to or greater than the required area set forth above.
 - (3) The final application submission shall contain the following:
 - (a) Evidence of the applicant's right, title, or interest in the land proposed to be dedicated.
 - (b) An offer of dedication.
 - (4) Prior to the consideration of the dedication by the Town Council, the applicant shall prepare, at his/her cost, the necessary deeds and other paperwork in form satisfactory to the Town's Attorney.
- C. If the applicant proposes to make a payment in lieu of dedication, the payment shall be calculated based on the percentage of land that would be required to be provided and the projected market value of that land in its predevelopment, unimproved state at the time of the subdivision as determined by the Municipal Tax Assessor. The payment in lieu of dedication shall be deposited into a municipal open space or outdoor recreation facility acquisition or improvement fund and may be used only for the purpose of acquiring, improving or developing open space or recreation facilities that will benefit the area of the community in which the proposed subdivision is located.

§ 275-47. Phosphorus impacts on great ponds.

A. Phosphorus export.

- (1) Any major subdivision and any minor subdivision within the watershed of a great pond subject to the State Stormwater Quality Standards shall conform to the State Stormwater Quality Standards and obtain a stormwater permit from the DEP.
- (2) Any subdivision located in the direct watershed of a great pond and not subject to the State Stormwater Quality Standards shall conform to the simplified phosphorus review procedure contained in § 275-60.

B. Maintenance and use restrictions for phosphorus control measures. Provisions for monitoring, inspecting, and maintaining phosphorus control measures shall be included in the application. If buffer strips are used as a phosphorous control measure, individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the plan. Where a vegetative buffer strip is to be owned in common by property owners in the subdivision, documentation establishing the lot owners' association shall include the following standards.

- (1) **Wooded buffers.** Maintenance provisions for wooded buffers shall provide for either of the following two options:
 - (a) **No disturbance.** Maintenance and use provisions for wooded buffer strips which are located on Hydrologic Soil Group D soils and within 250 feet

of the great pond or a tributary, or which are located on slopes over 20%, shall include the following:

- [1] Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.
- [2] All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.
- [3] Pruning of live tree branches that do not exceed 12 feet above the ground level is permitted, provided that at least the top 2/3 of the tree canopy is maintained.
- [4] No cutting is allowed of trees except for normal maintenance of dead, wind-blown, or damaged trees.
- [5] Buffers shall not be used for all-terrain vehicle or vehicular traffic.

(b) Limited disturbance. Maintenance and use provisions for other buffer strips may include the following:

- [1] There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained.
- [2] Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.
- [3] Removal of vegetation less than four feet in height is limited to that necessary to create a winding footpath no wider than six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.
- [4] Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted, provided that at least the top 2/3 of the tree canopy is maintained.
- [5] Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.
- [6] Buffers shall not be used for all-terrain vehicle or vehicular traffic.

(2) Nonwooded buffers.

- (a) Nonwooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.
- (b) A buffer must maintain a dense, complete and vigorous cover of nonlawn vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.
- (c) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.
- (d) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

§ 275-48. Spaghetti lots.

Any lot that has shore frontage on a river, stream, brook, or great pond as defined by 38 M.R.S.A. § 480-B shall not have a ratio of lot depth to shore frontage greater than five to one.

ARTICLE XI
Design Guidelines

§ 275-49. Intent.

This article provides design guidelines which, if followed, will result in meeting the appropriate performance standards of Article X. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances, the burden of proof shall be upon the applicant to present adequate information to demonstrate that all performance standards and statutory criteria for approval have been or will be met.

§ 275-50. Sufficient water.

- A. Well construction. Wells shall not be constructed within 100 feet of the edge of the pavement of any street, if located downhill from the street, or within 50 feet of the edge of the pavement of any street, if located uphill of the street. This restriction shall be included as a note on the plan and included in deed restrictions for the affected lots.
- B. Fire protection.
 - (1) If fire hydrants connected to a public water supply system are provided, they shall be located in accordance with the standards of the Sanford Water District and the Fire Department, and each location shall be approved in writing by the Fire Chief or his designee.
 - (2) If fire hydrants are not provided and the Planning Board determines that a fire protection water supply is needed, a minimum storage capacity of 10,000 gallons plus additional storage of 2,000 gallons per lot or principal building or such other amount as required by the Fire Chief shall be provided. Where fire ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest projected water level less an equivalent of three feet of ice. A detailed plan of the required pond, dry hydrant, piping, and/or access road shall be submitted as part of the application. The Town Engineer and Fire Chief shall approve the design of all storage facilities. Subject to the review and approval of the Sanford Fire Marshal, individual fire suppression systems may be utilized for fire protection. **[Amended 7-18-2006]**
 - (3) Hydrants or other provisions for fire protection water supply shall meet the specifications of the Fire Department and NFPA 1231. The design of hydrants shall be approved by the Fire Chief or his designee. The minimum pipe size connecting dry hydrants to ponds or underground storage shall be six inches.
 - (4) Where a dry hydrant or other water source is not within the right-of-way of a proposed or existing public street, an easement shall be provided to the Town for access to, maintenance, and use of the dry hydrant or reservoir. A suitable accessway to the hydrant or other water source shall be constructed by the applicant. It shall be built to standards approved by the Town Engineer and the

Fire Chief. Individual property owners and/or homeowner associations shall be responsible for the maintenance of the fire protection system. [Amended 7-18-2006³]

§ 275-51. Traffic conditions.

A. Access control.

- (1) Where a subdivision abuts or contains a principal arterial as identified by § 280-75 of Chapter 280, Zoning, no new residential lot shall have vehicular access directly onto the arterial street unless the Planning Board waives this requirement in accordance with § 280-75B of Chapter 280, Zoning. This requirement shall be noted on the plan and in the deed of any lot adjacent to a principal arterial.
- (2) Where a lot has frontage on two or more streets, the access to the lot shall be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction for the affected lot.

B. Subdivision access design. Streets, private roads, or common drives that provide access to a subdivision shall conform to the following standards. When the access to a subdivision is a street, the street design and construction standards of Subsection C below shall also be met. Where there is a conflict between the standards in this subsection and the standards of Subsection C, the stricter or more stringent shall apply.

- (1) **General.** Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the Trip Generation Manual, 1997 Edition, published by the Institute of Transportation Engineers.
 - (a) **Low-volume residential access:** any access to a residential subdivision with 50 or fewer vehicle trips per day.
 - (b) **High-volume residential access:** any access to a residential subdivision with more than 50 vehicle trips per day.
 - (c) **Commercial access:** any street or drive providing access to a nonresidential use or subdivision or to a project with a mix of residential and nonresidential uses.
- (2) **Sight distances.** Streets and other accesses shall be located and designed in profile and grading to provide adequate sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curblane or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.25 feet above the pavement. The required sight distances are listed by road width and for various posted speed limits.

3. Editor's Note: This ordinance also deleted original § 12.1B(5), which immediately followed this subsection.

- (a) Two-lane roads. A minimum sight distance of 10 feet for each mile per hour of posted speed limit shall be maintained or provided.
- (b) Four-lane roads. The sight distances provided below shall be maintained or provided. These standards are based on passenger cars exiting from accesses onto four-lane roads and are designed to enable exiting vehicles:
 - [1] Upon turning left or right, to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than 10 miles per hour; and
 - [2] Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left.

Operating Speed	Safe Sight Distance	
	Left	Right
(miles per hour)	(feet)	(feet)
20	130	130
30	220	260
40	380	440
50	620	700

- (3) Vertical alignment. Accesses shall be designed to prevent surface water from draining across the intersection. Accesses shall slope upward or downward from the gutter line at a maximum slope of 3% for at least 75 feet. The maximum grade over the entire length shall not exceed 10%. Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage.
- (4) Access layout and design. The layout and design of the intersection of a proposed street or other access with an existing or proposed public street shall be appropriate for the anticipated use and traffic volume. Any access with a peak hour traffic volume of more than 100 passenger car equivalent trips shall be designed based on a site-specific traffic analysis prepared by a traffic engineer. Any access with 100 or fewer peak hour trips shall conform to the following standards:
 - (a) Width. The width of the access shall be the minimum necessary to serve the proposed use and anticipated traffic volume. The width of the street or other access at the intersection or curb cut shall not exceed the following:
 - [1] Low-volume residential: 20 feet.
 - [2] High-volume residential: 26 feet.
 - [3] Commercial (two-way): 30 feet.
 - [4] Commercial (with median/divider): 20 feet each side.
 - (b) Curb radii. Curb radii shall reflect the anticipated volume of use (as determined by the ITE Trip Generation Manual), the type of vehicles that

will use the access, and the environment in which the access is located. Curb radii for low-volume residential accesses should be a maximum of 15 feet in built-up areas and 20 feet in suburban and rural areas. Curb radii for high-volume residential accesses or commercial accesses should be a maximum of 30 feet in built-up areas and a maximum of 40 feet in suburban and rural areas.

- (c) Planning Board modification. The Planning Board may allow greater access widths or larger curb radii if necessary for safety or to accommodate turning lanes or truck traffic.
 - (d) Skew angle. The skew angle shall be as close to 90° as possible, but in no case shall the angle be less than 60°.
- (5) Access location and spacing.
- (a) Minimum corner clearance. Corner clearance shall be measured from the point of tangency of the corner to the point of tangency of the access. In general the maximum practical corner clearance should be provided based on site constraints. Minimum corner clearances are listed in the following table, based upon access volume and intersection type.

Minimum Standards for Corner Clearance

	Minimum Corner Clearance (Dc)	
	Intersection Signalized	Intersection Unsignalized
Access Type	(feet)	(feet)
Low-volume residential	150	50
High-volume residential	150	50
Commercial	500	250

- (b) Access spacing. Accesses and street intersections shall be separated from adjacent accesses, streets, and property lines as indicated in the following table in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line.

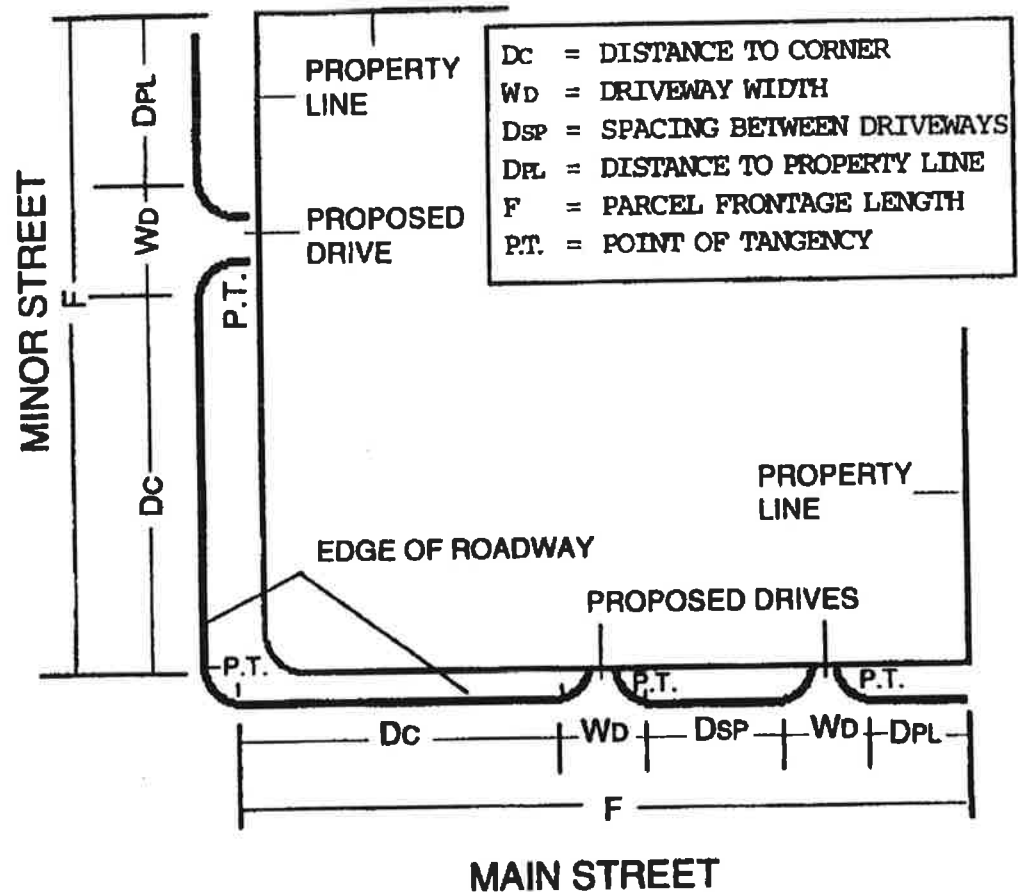
Minimum Access Spacing**Minimum Spacing to Adjacent Access****by Access Type² (Dsp)³**

Access Type	Minimum Spacing to Property Line (Dpl)¹	Low Resident	High Resident	Comm w/o RT	Comm w/ RT
	(feet)	(feet)	(feet)	(feet)	(feet)
Low-volume residential	5	50	50	75	100
High-volume residential	10	50	75	100	150
Commercial	10	75	100	150	250
(w/o RT) ⁴					
Commercial	10	100	150	250	400
(w/RT) ⁵					

NOTES:

- ¹ Dpl measured from point of tangency of access to projection of property line on roadway edge.
- ² For two more accesses serving a single parcel, or from a proposed access from an existing access.
- ³ Dsp measured from point of tangency of access to point of tangency of adjacent access.
- ⁴ Access without right turn channelization.
- ⁵ Access with right turn channelization.

Access Location and Spacing



- (6) Number of accesses. The maximum number of accesses shall conform to § 280-76B of Chapter 280, Zoning.
- (7) Construction materials/paving.
 - (a) All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.
 - (b) All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses, regardless of access volume, shall be paved with bituminous concrete pavement or other paving material approved by the Director of Public Works within 30 feet of the street right-of-way.
 - (c) In addition, all other aspects of access construction shall comply with the

provisions of § 280-76C(4) of Chapter 280, Zoning.

C. Street design and construction standards.

(1) General requirements.

- (a) The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
- (b) Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than 50 feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
 - [1] Date, scale, and North arrow, indicating magnetic or true North.
 - [2] Intersections of the proposed street with existing streets.
 - [3] Roadway and right-of-way limits, including edge of pavement, edge of shoulder, sidewalks, and curbs.
 - [4] Kind, size, location, material, profile, and cross section of all existing and proposed drainage structures and their location with respect to existing natural waterways and proposed drainageways.
 - [5] Complete curve data for all horizontal and vertical curves.
 - [6] Turning radii at all intersections.
 - [7] Center-line gradients.
 - [8] Size, type, and locations of all existing and proposed overhead and underground utilities, including but not limited to water, sewer, electricity, telephone, lighting, and cable television.
- (c) Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Town Engineer or the Maine Department of Transportation, as appropriate.
- (d) Where the subdivision streets are to remain private roads, the following notes shall appear on the recorded plan:
 - [1] The Town of Sanford shall not be responsible for the maintenance, repair, plowing, or similar services for the private way(s) shown on this plan.
 - [2] Any private way shown on this plan shall not be accepted as a public

street by the Town of Sanford unless the way complies with the standards for public streets (including right-of-way width) existing at the time acceptance is requested.

(2) Street design standards.

- (a) These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street. These guidelines shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design is good engineering practice and will meet the performance standards of Article X.
- (b) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.
- (c) Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.
- (d) Where a subdivision borders an existing narrow street (not meeting the right-of-way width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of Chapter 280, Zoning. When such widening or realignment is included in the municipality's capital investment plan, the reserve area shall not be included in any lot but shall be reserved to be acquired by the municipality or state.
- (e) Any subdivision containing more than 15 dwelling units shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- (f) The design standards of Table 1 and the typical cross sections in Appendix A ⁴ shall apply according to street classification. The urban classifications shall apply in those areas designated as growth areas in the Comprehensive Plan. The rural classifications shall apply in those areas designated as rural in the Comprehensive Plan. In addition, private ways

4. Editor's Note: Table 1 is included at the end of this chapter. Appendix A is on file at the Town Clerk's office.

shall conform to the standards of § 280-85 of Chapter 280, Zoning.

- (g) The center line of the roadway shall be the center line of the right-of-way.
- (h) Dead-end streets.

- [1] In addition to the design standards in Table 1, dead-end streets shall be constructed to provide a cul-de-sac turnaround or other turnaround approved by the Director of Public Works. Where a turning circle is used, it shall meet the following requirements for radii:

- [a] Property line: 85 feet.

- [b] Outer edge of pavement: 75 feet.

- [c] Inner edge of pavement: 50 feet.

- [2] The Planning Board may require larger radii for turning circles on a commercial street. The island in the circle shall be landscaped in a manner requiring low maintenance. Where the turning circle is in a wooded area prior to development, a stand of trees shall be maintained within the center of the circle if possible. The Board shall require the reservation of a twenty-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty-foot easement in line with the street to provide continuation of the road where future subdivision is possible. If a hammerhead or "T" turnaround is approved, no driveways shall enter onto the turnaround. A dead-end street shall be limited to a maximum of 15 dwelling units (not including corner lots that gain their access from another street). The length of a dead end shall not exceed 1,500 feet. The Planning Board may waive these requirements if the applicant demonstrates that:

- [a] No other reasonable access exists; or

- [b] The shape or configuration of the parcel makes a longer dead end necessary for the reasonable development of the property.

- (i) Grades, intersections and sight distances.

- [1] Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

- [2] All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed:

	Design Speed			
	(miles per hour)			
	20	25	30	35
Stopping sight distance (feet)	125	150	200	250

- [3] Stopping sight distance shall be calculated with a height of eye at 3 1/2 feet and the height of object at two feet.
 - [4] Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections.
- (j) Sidewalks. Sidewalks shall be installed within all subdivisions within areas designated as growth areas in the Comprehensive Plan. Sidewalks shall be provided on both sides of the street where sidewalks are required. The Planning Board may permit sidewalks on one side of the street or may waive the requirement for sidewalks if the Board finds that there are adequate alternative provisions for pedestrians outside of the right-of-way or that the scale of the project makes sidewalks unnecessary on one or both sides. Where sidewalks exist adjacent to a proposed subdivision outside of growth areas, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet these minimum requirements:
- [1] Location. Sidewalks shall be located adjacent to the curb.
 - [2] Sidewalk construction. Portland cement concrete sidewalks shall be provided in all areas where sidewalks are required and shall comply with the following standards. The Planning Board may approve the use of alternative materials with the approval of the Director of Public Works. The applicant shall be responsible for demonstrating that the alternative material is an acceptable equivalent.
 - [a] The subbase aggregate shall be no less than 12 inches thick after compaction.
 - [b] The 4,000 psi Portland cement concrete shall be reinforced with six-by-six-inch square No. 6 welded wire mesh or fiber reinforcement.
 - [c] The sidewalk shall be no less than four inches thick. The depth shall be increased to six inches under driveways.
 - [d] Handicapped access ramps shall be provided at all intersections and other pedestrian crossings.
- (k) Curbs shall be installed wherever a sidewalk is provided and in other areas as needed to control stormwater drainage or vehicle movement. The curb shall be a cast-in-place concrete curb that is monolithic with the sidewalk. The specified traveled way width shall be measured between

the curbs.

- (3) Street construction standards. Streets shall be constructed to the following standards. For any aspect of construction not covered by these standards, the appropriate material and construction performance standards of the Maine Department of Transportation shall apply. The Planning Board may waive or modify these standards with the approval of the Director of Public Works if it finds that the alternative will be equivalent.
- (a) The minimum thickness of material after reaching 95% of modified Proctor maximum density shall meet the specifications in the following table:

Minimum Pavement Materials Thicknesses

Street Materials	Commercial	Collector	Local	Private Way
Aggregate subbase course (maximum sized stone 6 inches) (inches)	20	15	15	12
Crushed aggregate base course (inches)	4	3	3	3
Hot bituminous pavement (inches)				
Total thickness	4 1/2	3	3	N/A
Surface course [MeDOT 403.210 Superpave Mix 3/8 inch (9.5mm)]	1 1/2	1	1	N/A
Base course [MeDOT 403.207 Superpave Mix 3/4 inch (19mm)]	3	2	2	N/A
Surface gravel (inches)	N/A	N/A	N/A	2

- (b) Preparation.

- [1] Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty-foot intervals.
- [2] Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainageways, and

utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

- [3] All organic materials or other deleterious material shall be removed to a depth of six feet below the finished grade of the roadway. Rocks and boulders shall also be removed to a depth of six feet below the finished grade of the roadway. On soils that have been identified by the Town Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of six feet below the finished grade and replaced with material meeting the specifications for gravel aggregate subbase below.
- [4] Except in a ledge cut, side slopes shall be no steeper than a slope of one foot vertical to three feet horizontal and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope no steeper than four feet vertical to one foot horizontal is permitted.
- [5] All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

(c) Bases and pavement.

[1] Bases/subbase.

- [a] The aggregate subbase 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-inch-square mesh sieve shall meet the grading requirements of the following table. Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

Aggregate Subbase Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/4 inch	25% to 70%
No. 40	0% to 30%
No. 200	0% to 7%

- [b] An aggregate base course shall be placed on top of the subbase course. 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-inch-square mesh sieve shall meet the grading requirements of the following table. Aggregate for the base shall contain no particles of rock

exceeding two inches in any dimension.

Base Course Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
3/8 inch	45% to 70%
1/4 inch	30% to 55%
No. 50	0% to 20%
No. 200	0% to 5%

- [2] Pavement joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line to form a neat, even, vertical joint.

- [3] Pavements.

- [a] Minimum standards for the base layer of pavement shall be the Maine Department of Transportation Specification 403.207 for Superpave mix 3/4 inch (18 millimeters). The pavement may be placed between April 15 and November 15, provided that the air temperature in the shade at the paving location is 35° F. or higher and the surface to be paved is not frozen or unreasonably wet.

- [b] Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation Specification 403.210 for Superpave mix 3/8 inch (9.5 millimeters). The pavement may be placed between April 15 and October 15, provided that the air temperature in the shade at the paving location is 50° F. or higher.

- [4] Surface gravel. Private ways approved in accordance with § 280-85 of Chapter 280, Zoning, need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two inches in size and meet the grading requirements of the following table:

Surface Gravel Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
2 inch	95% to 100%
2 inch	30% to 65%
No. 200	7% to 12%

§ 275-52. Wildlife habitat, rare natural areas or public access to shoreline.

- A. Preservation of natural beauty and aesthetics.

- (1) Subdivisions within the Rural Residential and Rural Mixed-Use Zones shall

maintain a vegetated buffer along existing roads as provided in §§ 280-40H and 280-41H of Chapter 280, Zoning. The buffer may be broken only for driveways and streets.

- (2) Unless located in areas designated as a growth area in the Comprehensive Plan, building locations shall be restricted from open fields and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of building when viewed from existing public streets.
- (3) When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium-height flowering species. Trees shall be planted no more than 50 feet apart.

B. Retention of natural or historic features.

- (1) Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.
- (2) Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the Comprehensive Plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be compatible with the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

C. Protection of significant wildlife habitat and important habitat areas. The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site-specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat or resources identified in § 275-38C.

- (1) Protection of habitat of endangered or threatened species.
 - (a) The habitat of species appearing on the official state or federal lists of endangered or threatened species shall be maintained as open space.
 - (b) Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of

endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.

- (2) Protection of waterfowl habitat.
 - (a) There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of high and moderate value waterfowl habitats, including nesting and feeding areas.
 - (b) This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.
- (3) Protection of deer wintering areas. The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.
- (4) Protection of shoreland areas.
 - (a) All areas subject to shoreland zoning shall comply with the relevant standards.
 - (b) These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.
- (5) If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Comprehensive Plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist and its or his comments presented in writing to the Board.

§ 275-53. Stormwater management design guidelines.

- A. The design of best management practices shall be substantially equivalent to those described in "Stormwater Management for Maine: Best Management Practices," published by the Maine Department of Environmental Protection, 1995.
- B. Drainage easements for existing watercourses or proposed drainageways shall be provided at least 30 feet wide, conforming substantially to the lines of existing natural drainage.
- C. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and 18 inches for cross culverts. The minimum pipe size between drainage structures and at inlets and outfalls shall be 15 inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material reaching a minimum of six inches below the bottom of the pipe and extending to six inches above the top of the pipe. The material shall contain no stones larger than three inches, lumps of clay, or organic matter.
- D. Catch basins shall be installed where necessary and when located within a street shall be located at the curbline.
- E. Storm drainage construction standards.

(1) Materials.

- (a) Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for nonmetallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street under drains. Bituminous-coated steel pipes shall not be used.
- (b) Where the storm drainage pipe is to be covered by 10 feet or more of fill material, pipe material with a fifty-year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl chloride (PVC) pipe, and corrugated aluminum alloy pipe.
- (2) Pipe gauges. Metallic storm drainage pipe shall meet the thickness requirements of the following table, depending on pipe diameter.

Culvert Size and Thicknesses Material**Galvanized CMP****Aluminum/Zinc Coated
CMP**

Inside Diameter (inches)	Corrugated Aluminum	Aluminum Coated CMP
	Alloy	Polymer Coated CMP
15 to 24	14 ga.	16 ga.
30 to 36	12 ga.	14 ga.
42 to 54	10 ga.	12 ga.
60 to 72	8 ga.	10 ga.

- (3) Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.
- (4) Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of four-hundred-foot intervals.
- F. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

§ 275-54. Impact on water quality or shoreline.

- A. All areas subject to shoreland zoning shall comply with the relevant standards.
- B. These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

§ 275-55. Blocks.

Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide

for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards in § 275-51C(2)(j). Maintenance obligations of the easement shall be included in the written description of the easement.

§ 275-56. Lots.

- A. Wherever possible, side lot lines shall be perpendicular to the street.
- B. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board based upon the criteria of the subdivision statute at the time of the revision, the standards of the Town's Subdivision Ordinance then in effect, and any conditions placed on the original approval.
- C. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
- D. Flag lots and other odd-shaped lots in which narrow strips of less than 25 feet in width are joined to other parcels in order to meet minimum lot size requirements are prohibited.

§ 275-57. Utilities.

Utilities serving subdivisions in areas designated by the Comprehensive Plan as growth areas shall be installed underground. Utilities serving lots outside of growth areas with a street frontage of 125 feet or less shall also be installed underground. The Board may approve overhead utilities when the applicant provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the market in that location. When utilities are installed underground, the subdivider shall install appropriate signs indicating the location of such utilities.

§ 275-58. Monuments.

- A. Stone or precast reinforced concrete monuments shall be set at all street intersections and points of curvature but no further than 750 feet apart along all street lines.
- B. Stone or precast reinforced concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.
- C. Stone or precast reinforced concrete monuments shall be a minimum of four inches square at the top and four feet in length and set in the ground at final grade level. If site conditions prohibit the installation of a four-foot monument, the Town Engineer may approve alternative provisions for permanent monumentation. After they are set, a drill hole two inches deep shall locate the point or points described above.

- D. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

§ 275-59. Cluster developments.

Residential subdivisions may be approved that conform to the residential cluster development standards found in § 280-89 of Chapter 280, Zoning.

§ 275-60. Phosphorus export.

When a proposed subdivision is within the direct watershed of a great pond and qualifies for the simplified review procedure, stormwater controls that remove at least 40% of the total suspended solids (TSS) or vegetated buffer strips shall be provided. Buffer strips shall be provided on the downhill side of all lots along all tributaries to great ponds and along the great pond. The minimum required width of buffer strips is designated in the following table and depends on the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

Buffer Strip Widths

Buffer Width Per Lot

(feet)

Lot Size (acres)	HSG	Clearing Restricted	No Clearing
		to 12,500 Square Feet	Restrictions
Less than 1	A	50	75
	B	75	100
	C	N/A	N/A
	D	N/A	N/A
1 to 1.99	A	25	25
	B	25	55
	C	55	190
	D	200	N/A
2 to 2.99	A	25	25
	B	25	25
	C	25	50
	D	25	200

Notes:

HSG is the hydrologic soil group.

All lots three acres and larger shall provide a minimum twenty-five-foot buffer.

ARTICLE XII
Performance Guarantees

§ 275-61. Types of guarantees.

- A. With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:
- (1) Either a certified check payable to the municipality or a savings account or certificate of deposit for the establishment of an escrow account in such form as permitted by law and approved as to form by the Town Attorney;
 - (2) An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Town Council or Town Attorney; or
 - (3) Any other performance guarantee approved by the Town Council and Town Attorney, provided that, in their opinion, such performance guarantees provide substantially similar financial protection for the Town as Subsection A(1) or (2).
- B. The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Town Engineer, Public Works Director, Town Council, and/or Town Attorney.

§ 275-62. Contents of guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the Town shall have access to the funds to finish construction.

§ 275-63. Escrow account.

A cash contribution for the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit (or a functional equivalent) into a savings account, or the purchase of a certificate of deposit in such form as permitted by law and approved as to form by the Town Attorney. For any account opened by the applicant, the consent of the Town Manager shall be required for a withdrawal.

§ 275-64. Letter of credit.

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan and may be released only upon written authorization of the Town Manager.

§ 275-65. Phasing of development.

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

§ 275-66. Duration of guarantee.

The performance guarantee shall remain in force for the entire period during which development of the subdivision occurs (or, in the case of default, while the Town pursues its remedies for default) until the guarantee is released by the Town in accordance with § 275-67. If the time frame for constructing the improvements covered by the guarantee is extended, the performance guarantee shall also be extended.

§ 275-67. Release of guarantee.

Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested. The approval of the Planning Board shall occur at a regular meeting of the Board following the review of the request at a workshop meeting. The decision of the Planning Board shall be based upon the report of the Town Engineer or other engineer retained by the Director of Public Works and any other agencies and departments who may be involved.

§ 275-68. Default.

If, upon inspection, the Town Engineer or other engineer retained by the Director of Public Works finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Director of Public Works, Planning Director, Town Manager, and the applicant or builder. The Town Manager shall take any steps necessary to preserve the Town's rights.

§ 275-69. Improvements guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, stormwater management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

ARTICLE XIII

Waivers**§ 275-70. Waiver of submission requirements authorized.**

Except as otherwise provided by law, where the Planning Board makes written findings of fact that there are special circumstances relating to a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless this chapter specifically prohibits waivers. For a waiver to be granted, the applicant must demonstrate that:

- A. The performance standards of these regulations and the criteria of the subdivision statute ⁵ have been or will be met;
- B. The public health, safety, and welfare are protected; and
- C. The waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, Chapter 280, Zoning, or these requirements.

§ 275-71. Waiver of standards authorized.

Except as otherwise provided by law, where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided the provision of certain required improvements is not required to provide for the public health, safety or welfare or is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, the Board may waive the requirement for such improvements, subject to appropriate conditions, provided that:

- A. The waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, Chapter 280, Zoning, or these regulations; and
- B. The performance standards of these regulations and the criteria of the subdivision statute ⁶ have been or will be met by the proposed subdivision.

§ 275-72. Conditions.

Waivers may only be granted in accordance with §§ 275-70 and 275-71. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

§ 275-73. Waivers to be shown on final plan.

When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

5. Editor's Note: See 30-A M.R.S.A. § 4401 et seq.

6. Editor's Note: See 30-A M.R.S.A. § 4401 et seq.

ARTICLE XIV

Appeals**§ 275-74. Appeals to Superior Court.**

An aggrieved party may appeal any decision of the Board under these regulations to Maine Superior Court (York County) within 30 days of the date the Board issues a written order of its decision.

Department Head Meeting
November 2, 2022
8:30 am City Council Chambers

City Council meeting follow-up from 10/24

Remaining meetings: 11/14, 11/28 & 12/12

Public Hearings 11/14 – Brownfields Grant, 15 Prospect, Safe Alternatives

Tax acquired properties – please make your notes if required

Danielle has sent out the 2023 City Council appointments

Hot topics: Cannabis, Homelessness, and illicit drug use/overdoses

Roundtable

Notable Commercial Property Transfers:

9/16/2022 Reno's to CSS Development (CSS=Collins, Soderberg, Scott)

9/26/2022 Caribou Inn & Convention Center to Country Host Inn (Scott & Laurie Lafleur)

9/28/2022 Burger King building to Neal Griffeth

10/28/2022 Skyway Plaza to Viking Group LLC (mortgage signed by Shawn Pelletier, member)

Multiple multi-family properties have changed hands too. Buyers are Cyr Apartments, North Country Investments (Spenser Ouellette), Jeremiah Shrum, Hekla John ME LLC & Hekla Elizabeth ME LLC from Wayland, MA – Puay Fern Properties

We also received the announcement about Plourde & Plourde

Reminders:

By charter – 5.06 (a) (3) (1) - *On or before November 1 of the preceding budget year, the City Manager will have each City Department Head provide written detailed Expense Budget request for the ensuing year (Please get these to me ASAP)*

G account project – *I still do not have the information from each department*

Non-Union wages – *Finance Director has given me what was in the salary tool, and I have received the information from Presque Isle (who did not report to MMA). I have not heard from any departments about any concerns about job titles or responsibilities, so it is what it is.*

Good To Knows – *Make plans to get these done and to Kathy for her to send Friday. If you know you will be out, please email them Thursday.*

Days out of office:

December 8 & 9 – PIO training here in Caribou all day

Vacation – December 14 to December 29

