

**Subdivision Ordinance of the
Town of Whitefield**

<u>Section</u>	<u>Title</u>	<u>Page</u>
1	Purpose	1
2	Authority and Administration	2
3	Definitions	2
3.1	Complete Application	2
3.2	Comprehensive Plan or Policy Statement	2
3.3	Contiguous Lots	2
3.4	Driveway	2
3.5	Dwelling Unit	2
3.6	Final Plan	2
3.7	High Intensity Soil Survey	2
3.8	100 Year Flood	3
3.9	Normal High Water Mark of Inland Waters	3
3.10	Person	3
3.11	Planning Board	3
3.12	Preliminary Subdivision Plan	3
3.13	Recording Plan	3
3.14	Re-subdivision	3
3.15	Road (including Collector Road, Industrial or Commercial Road, Minor Road, and Private Right of Way)	3
3.16	Subdivision	4
3.17	Subdivision, Major	4
3.18	Subdivision, Minor	4
3.19	Tract, or Parcel, of Land	4
4	Administrative Procedure	4
4.1	Purpose	4
4.2	Agenda	4
5	Pre-application Conference	4
5.1	Procedure	4
5.2	Submission	4
5.3	Contour Interval on On-Site Inspection	5
5.4	Rights not Vested	5
6	Minor Subdivision	5
6.1	General	5
6.2	Procedure	5
6.3	Submissions	6
7	Preliminary Plan for Major Subdivision	8
7.1	Procedure	8
7.2	Submissions	10

8	Final Plan for Major Subdivision	13
8.1	Procedure	13
8.2	Submissions	14
8.3	Final Approval and Filing	16
9	Revision to Approved Plans	18
9.1	Procedure	18
9.2	Submissions	18
9.3	Scope of Review	18
10	Enforcement	18
10.1	Inspection of Required Improvements	18
10.2	Violations and Enforcement	19
11	General Requirements	20
11.1	Buffer Strip	20
11.2	Basement Drainage	20
11.3	Conformance with other Laws, Regulations	20
11.4	Construction Prohibited	20
11.5	Ditches, Catch Basins	21
11.6	Easements	21
11.7	Lots and Density	21
11.8	Land Not Suitable for Development	21
11.9	Open Space Provision	21
11.10	Performance Guarantees	22
11.11	Sewage Disposal	23
11.12	Road Design Standards	23
11.13	Road Construction Standards	25
12	Waivers	28
13	Validity, Effective Date, Conflict of Ordinances, Filing	28
14	Appeals	28
15	Amendments	28

SUBDIVISION ORDINANCE OF THE TOWN OF WHITEFIELD

Section 1. Purpose

The purpose of this ordinance is to assure the comfort, convenience, safety, health and welfare of the people of the Town of Whitefield, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Whitefield, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this ordinance have been met and that the proposed subdivision will meet the guidelines of Title 30, M.R.S.A. Section 4956, subsection 3. The subdivision:

- 1.1 Shall not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents;
- 1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- 1.3 Shall not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- 1.4 Shall not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- 1.5 Shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- 1.6 Shall provide for adequate solid and sewage waste disposal;
- 1.7 Shall not cause an unreasonable burden on the provision of municipal services, including schools, maintenance of roads, solid waste disposal, etc.
- 1.8 Shall not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; and
- 1.9 Is in conformance with this duly adopted subdivision ordinance, and the Town's Comprehensive Plan.
- 1.10 The subdivider has adequate financial and technical capacity to meet the above stated standards.
- 1.11 Whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, shall not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water.
- 1.12 Shall not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

- 1.13 All principal structures within a subdivision in a flood-prone area shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood.

Section 2. Authority and Administration

- 2.1 Authority: This Ordinance is adopted pursuant to and consistent ,with Title 30, M.R.S.A., Section 2151-A and Title 30, M.R.S.A., Section 4956, and shall be known and cited as the "Subdivision Ordinance of the Town of Whitefield".
- 2.2 Administration: The Planning Board of the Town of Whitefield shall administer this Ordinance. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Whitefield.

Section 3. Definitions

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

- 3.1 Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this ordinance for a Final Plan, or by a vote of the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.
- 3.2 Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of Whitefield as defined in Title 30 M.R.S.A., Section 4961.
- 3.3 Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than 15 feet wide.
- 3.4 Driveway: A vehicular access-way serving two dwelling units or less.
- 3.5 Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.
- 3.6 Final Plan: The final drawings, on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.
- 3.7 High Intensity Soil Survey: A map prepared by a Certified Soil Scientist identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or

bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

- 3.8 100 Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).
- 3.9 Normal High Water Mark of Inland Waters: That line on the shores or banks on non-tidal waters which is apparent because of the different character of the contiguous soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial. By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparillas, pines, cedars, oaks, ashes, alders, elms and maples. In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from places where it can be determined by the above method.
- 3.10. Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- 3.11. Planning Board: The Planning Board of the Town of Whitefield. The Planning Board is also referred to in this ordinance as "Board"
- 3.12. Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.
- 3.13. Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and may be a series of plans if necessary to convey all required information in a manner that is easily readable.
- 3.14. Re-subdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.
- 3.15. Road: Public and private ways such as alleys, avenues, boulevards, highways, streets, and other rights-or-way, as well as areas on subdivision plans designated as rights-or-way.

Road Classification:

Collector Road: A road servicing at least 20 lots or dwelling units, or roads which serve as feeders to arterial roads, and collectors of traffic from minor roads.

Industrial or Commercial Road: Roads servicing industrial or commercial uses.

Minor Road: A road servicing less than 20 lots or dwelling units.

Private Right of Way: A vehicular access way serving no more than eight dwelling units, which is not intended to be dedicated as a public way.

- 3.16. Subdivision: A subdivision shall mean the division of a tract or parcel of land as defined in Title 30, M.R.S.A., Section 4956.
- 3.17. Subdivision, Major: Any subdivision containing more than five lots or dwelling units, or any subdivision containing a proposed road.
- 3.18. Subdivision, Minor: Any subdivision containing five lots or dwelling units or less, and in which no road is proposed to be constructed.
- 3.19. Tract, or Parcel, of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, or a private road established by the abutting land owners.

Section 4. Administrative Procedure

Purpose. The purpose of this section and Sections 5 through 8 is to establish an orderly, equitable and expeditious procedure for reviewing proposed subdivisions.

Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairperson. Applicants who attend a meeting and who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes.

Section 5. Pre-application Conference

- 5.1 Procedure.
 - A. Applicant presentation and submission of sketch plans.
 - B. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
 - C. Scheduling of on-site inspection.
- 5.2 Submission. The Pre-application 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 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 is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the Tax Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than 10 acres in size.

- 5.3 Contour Interval and On-Site Inspection. Within 30 days, the Board shall determine and inform the applicant of the required contour interval on the Preliminary Plan in the case of a major subdivision, or Final Plan in the case of a Minor Subdivision, and hold an on-site inspection of the property. The applicant shall place "flagging" at the center line of any proposed roads, and at the approximate intersections of the road center lines and lot corners, prior to the on-site inspection.
- 5.4 Rights not Vested. The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., 302.

Section 6. Minor Subdivisions

- 6.1 General. The Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.
- 6.2 Procedure.
- A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Final Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
 - B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of \$15.00 per lot or dwelling unit payable by check to Whitefield. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.
 - C. Upon receipt of an application for Final Plan approval of a minor subdivision, the Board shall issue a dated receipt to the subdivider and shall notify in writing all owners of abutting property that an application for subdivision approval has been submitted.
 - D. Within 30 days of receipt of a Final Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
 - E. The subdivider, or the duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

- F. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the Final Plan application.
- G. If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in Whitefield at least two times, the date of the first publication to be at least seven days prior to the hearing.
- H. Within 30 days of a public hearing, or within 60 days of receipt of a complete application if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

6.3 Submissions.

- A. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. Space shall be provided for endorsement by the Board. A copy of the plan and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.
- B. The application for approval of a Minor Subdivision shall include the following information:
 1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which is located, plus the Tax Map and Lot numbers.
 2. Verification of right, title or interest in the property.
 3. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a person duly licensed by the State to perform such work. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument to be set or found at each lot corner.
 4. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way or other encumbrances currently affecting the property.

5. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses prepared by a person duly licensed by the State to perform such work shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. Indication of the type of water supply system(s) to be used in the subdivision.
8. The location and size of existing and proposed sewage disposal systems, water supply systems, culverts, and drainage ways on or adjacent to the property to be subdivided.
9. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners.
10. A copy of the portion of the Lincoln County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil survey or a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, water courses, vegetative cover type, and other essential existing physical features.
12. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
13. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

Section 7. Preliminary Plan for Major Subdivision

7.1. Procedure

- A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Preliminary Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$15 per lot or dwelling unit, payable by check to the Town of Whitefield. In addition, the applicant shall pay a fee of \$25 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$10 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant.
- C. The subdivider, or the duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- D. Upon receipt of an application for Preliminary Plan approval of a major subdivision, the Board shall issue a dated receipt to the subdivider and shall notify in writing all owners of abutting property that an application for subdivision approval has been submitted.
- E. Within 30 days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
- F. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the Town of Whitefield at least two times, the date of the first publication to be at least seven days prior to the hearing.
- G. The Board shall, within 30 days of a public hearing, or within 60 days of receipt of a complete application if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

H. The Board shall notify the Road Commissioner, School Superintendent, Board of Selectmen, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of the Town's existing facilities to service the proposed subdivision. In addition, the Board shall request the following specific information:

1. From the Fire Chief:

- a. Ability to provide adequate fire protection to this project using existing equipment and personnel;
- b. Identifying equipment and capability improvements needed to provide adequate fire protection to this project, including estimated cost of such enhancements;
- c. Percent of present capacity at which the fire company is operating and an estimate of when 100% capacity will be reached;
- d. Adequacy of road access to the project for emergency vehicles;
- e. Availability of fire fighting water resources in the project vicinity; and
- f. Effect of the project on town insurance ratings based on present fire company capabilities.

2. From the School Superintendent:

- a. Expected additional student loading due to the project;
- b. Ability to absorb anticipated additional student loading and provide necessary busing of subdivision students with existing assets;
- c. Additional assets needed to provide above services and associated costs;
- d. Present percent capacity at which school facilities are operating and projected 100% capacity attainment date; and
- e. Adequacy of road access for school buses.

I. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan;

2. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 3. The amount of all performance guarantees which it will require as prerequisite to the approval of the Final Plan;
- J. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the 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 Board may require additional changes as a result of the further study of the subdivision as a result of new information received.

7.2. Submissions

- A. Location Map. The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:
1. Existing subdivision in the proximity of the proposed subdivision.
 2. Locations and names of existing and proposed roads.
 3. 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.
- B. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which shall 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 100 feet to the inch. The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. A copy of the preliminary plan and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:
1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Map and Lot Numbers.
 2. Verification of right, title or interest in the property.

3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a person duly licensed by the State to perform such work. The corners of the tract shall be located on the ground and marked by monuments.
4. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
6. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
7. The number of acres within the proposed subdivision, location of property lines, existing buildings, water courses, vegetative cover type, and other essential existing physical features.
8. Indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses shall be provided that are prepared by a person duly licensed by the State to perform such work. A map showing the location of all test pits dug on the site shall be submitted.
9. Indication of the type of water supply system(s) to be used in the subdivision.
10. The date the Plan was prepared, true and magnetic north point, graphic map scale, names and addresses of the, record owner, subdivider, and individual or company who prepared the plan.
11. The names and addresses of owners of record of adjacent property, including any property directly across an existing public road from the subdivision.
12. The location and size of existing and proposed sewage disposal systems, water supply systems, culverts, and drainage ways on or adjacent to the property to be subdivided.
13. The location, names and widths of existing and proposed roads, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
14. The proposed lot lines with approximate dimensions and lot areas.

15. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
16. The location of any open space to be preserved and a description of proposed improvements and its management.
17. A copy of that portion of the Lincoln County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil surveyor a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
18. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
19. A hydrogeologic assessment, prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers", by the Maine Geological Survey.
20. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
21. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis prepared by a Registered Professional Engineer with experience in traffic engineering shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the road giving access to the site and neighboring roads which may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates used shall be the mean value reported in Table 3 of Development and Application of Trip Generation Rates, Kellerco, Inc., published by the Federal Highway Administration, January, 1985.
22. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:

Schools, including busing

Road maintenance and snow removal

Police and fire protection
Solid waste disposal
Storm water drainage

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

Section 8. Final Plan for Major Subdivision

8.1. Procedure

- A. The subdivider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan at least seven days prior to a scheduled meeting of the Board. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.
- B. All applications for Final Plan approval for Major Subdivision shall be accompanied by an application fee of \$20 per lot or dwelling unit payable by check to the Town of Whitefield.
- C. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:
 1. Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.
 2. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
 3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
- D. The subdivider, or duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
- E. Upon receipt of an application for Final Plan approval of a major subdivision, the Board shall issue a dated receipt to the subdivider and shall notify in writing all owners of abutting property that an application for subdivision approval has been submitted.
- F. Within 30 days of receipt of a Final Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is

complete, and what, if any, additional submissions are required for a complete application.

- G. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the Final Plan application.
- H. A public hearing may be held by the Board within 30 days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing and the notice of the hearing shall be posed in at least three prominent places at least seven days prior to the hearing.
- I. When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.
- J. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Section 11.10.
- K. If the subdivision is located in more than one municipality, the Board may have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.
- L. The Board shall within 30 days from the public hearing or within 60 days of receiving a complete application if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider make findings of fact on the application, and conclusions relative to the standards contained in Title 30, M.R.S.A. 4956 and in this ordinance. If the Board finds that all standards of the Statute and this ordinance have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute or this ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for a denial or any conditions shall be stated in the records of the Board.

8.2. Submissions.

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivision containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan. In addition, one copy of the Final Plan, reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all

accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

The application for approval of the Final Plan shall include the following information:

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Map and Lot numbers.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a person duly licensed by the State to perform such work. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses and other essential existing physical features.
- D. Indication of the type of sewage disposal to be used in the subdivision.
- E. Indication of the type of water supply system(s) to be used in the subdivision.
- F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
- G. The location and size of existing and proposed sewage disposal systems, water supply system, culverts, and drainage ways on or adjacent to the property to be subdivided.
- H. The location, names, and widths of existing and proposed roads, highways, easements, building lines, parks and other 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 reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and long chord bearing for each road shall be included.
- I. A soil erosion and sedimentation control plan, prepared in accordance with the standards contained in the latest revised edition of the Environmental Quality Handbook published by the U.S. Soil Conservation Service or a comparable set of standards found to be acceptable by the Board.
- J. A plan for the disposal of surface drainage waters prepared by a Registered Professional Engineer, in accordance with the latest revised edition of Technical Release 55, Urban Hydrology for Small Watersheds, published

by the U.S. Soil Conservation Service or a comparable set of standards found to be acceptable by the Board.

- K. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
- L. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:
 - Schools, including busing
 - Road maintenance and snow removal
 - Police and fire protection
 - Solid waste disposal
 - Storm water drainage
- M. The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.
- N. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood evaluation shall be delineated on the plan.

8.3 Final Approval and Filing.

- A. No plan shall be approved by the Board as long as the subdivider is in violation of any provisions of this Ordinance on a previously approved Plan or where no plan was ever filed or approved.
- B. Upon findings of fact and determination that all standards in Title 30, M.R.S.A. 4956 and this ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Selectmen. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. At the time it grants Final Plan approval, the Board may permit the subdivision to be developed in phases subject to any conditions the Board

deems necessary in order to insure the orderly development of the Plan. If any municipal or quasi- municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision.

- D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 9. The Board shall make findings that the revised plan meets the standards of Title 30, M.R.S.A. 4956, and this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.
- E. The approval by the Board of a subdivision plan shall not be deemed or constitute or be evidence of any acceptance by the municipality of any road, easement, or other 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 municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost or grading, development, equipment, and maintenance of any such dedicated area.
- F. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the Plan null and void. In the case of a phased subdivision, failure to commence substantial construction of any phase within five years of the anticipated date of commencement as indicated by the developer at the time of approval shall render the approval of such phases null and void. Upon determining that a subdivision IS approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

Section 9. Revisions to Approved Plans

- 9.1. Procedure. An applicant for a revision to a previously approved plan shall, at least seven days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of

additional lots or dwelling units, the procedures for final plan approval shall be followed.

9.2. Submissions. The applicant shall submit a copy of the approved plan, as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this ordinance.

9.3. Scope of Review. The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

Section 10. Enforcement

10.1. Inspection of Required Improvements

A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall:

1. Notify the Code Enforcement Officer in writing of the time of the commencement of construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. Deposit with the Municipal Officers a check for the amount of 2 % of the estimated costs of the required improvements to pay for the costs of inspection.

B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, such a report shall be in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of- way, property boundaries, and changes of grade by more than 1 %, etc., the subdivider shall obtain permission to modify the plans from the Board.

D. At the close of each construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By

December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations of any problems which were encountered.

- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all documentation shown on the plan has been installed.
- F. Upon completion of road construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of this ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- G. The subdivider, builder or home owners association shall be required to maintain all improvements and provide for snow removal on roads until acceptance of the improvements by the municipality.

10.2. Violations and Enforcement.

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this ordinance.
- B. No person, firm, corporation or other legal entity shall convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. No person, firm, corporation or other legal entity shall convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this ordinance shall be punished by a fine of not less than \$100, and not more than \$5,000 for each such conveyance, offering or agreement. The Municipality shall institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.
- E. No public utility, or any utility company of any kind, shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

- F. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in this ordinance and recorded in the Registry of Deeds.
- G. No lot in a subdivision shall be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this ordinance up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this ordinance.

Section 11. General Requirements

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a Final Plan. In all instances, the burden of proof shall be upon the applicant.

- 11.1 **Buffer Strip:** The Planning Board shall require a buffer strip when the proposed subdivision will be located adjacent to a use where separation is desirable.
- 11.2 **Basement Drainage:** If lots are being created to accommodate structures with basements, the subdivider shall show that the basement can be drained by gravity to the ground surface, or storm sewers, if they are required to be installed.
- 11.3 **Conformance with other Laws, Regulations:** The proposed subdivision shall be in conformance with all pertinent local, state, and federal ordinances, statutes, laws and regulations and Whitefield's Comprehensive Plan. If the proposed subdivision meets the definition of subdivision as defined in the Site Location Act, Title 38, M.R.S.A., Section 482, the subdivider must secure the approval of the Board of Environmental Protection prior to approval, approval with conditions, or denial, of the Final Plan by the Planning Board. The Planning Board may deny approval of the subdivision even though the Board of Environmental Protection has granted an approval under the provisions of the Site Location Act.
- 11.4 **Construction Prohibited:** No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the subdivision until a Final Plot Plan of the subdivision has been prepared, submitted, reviewed, approved, and endorsed as provided by this Ordinance, nor until an attested copy of the Final Plot Plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds.
- 11.5 **Ditches, Catch Basins:** The Planning Board may require the installation of ditches, catch basins, piping systems, and other appurtenance for the conveyance, control, or disposal of surface waters. Adequate drainage shall be provided so as to reduce the danger of flooding and erosion.
- 11.6 **Easements:** The Planning Board may require easements for sewerage, drainage, or other utilities.

11.7 Lots and Density:

- A. The lot size, width, depth, shape and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall conform to any local Ordinances, standards, and regulations.
- B. If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it shall not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.

11.8 Land Not Suitable for Development: The Planning Board shall not approve for buildings or dwellings such portions of any proposed subdivision that are within the 100-year frequency flood plain, unless all principal structures are constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation, or on land which must be filled or drained or on land created by diverting a perennial stream. In no instance shall the Board approve any part of a subdivision located on filled or drained Great Ponds.

11.9 Open Space Provisions:

- A. The Planning Board shall require that a proposed subdivision design include a landscape plan that will show the existing trees (10" dia. or more) to be preserved, the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas. The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as much as possible.
- B. Where the proposed subdivision abuts a lake, pond, river or perennial stream, the Planning Board may require, where feasible and appropriate, that the subdivider reserve an area of land abutting the waterbody or water course as an open space and/or recreational area for use by property owners in the subdivision. The instruments of conveyance (deeds) from *the* subdivider to the property owners in the subdivision shall provide for an access right of way to this reserved land. The cost of maintenance and development of the reserved land shall be borne by the property owners of the subdivision.
 - 1. The manner of providing for the cost of development and/or maintenance of the reserved open space shall be included in the instrument of conveyance to each property owner of the subdivision.
- C. If the proposed subdivision contains any identified historical or archaeological sites, or any areas identified by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be suitably protected by appropriate covenants and management plans.

11.10. Performance Guarantees:

- A. The Planning Board shall require that the subdivider file with the Board before final approval of the Final Plot Plan a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Town of Whitefield, a savings account or certificate of deposit naming the Town as owner, an irrevocable letter of credit from a financial institution, or a performance bond running to the Town and issued by a surety company acceptable to the Town. The conditions and amount of such performance guarantees shall be determined by the Planning Board with the advice of the various municipal officers concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting, and completing all of the road grading, paving, storm drainage, landscaping, screening, and utilities or other improvements specified on the Final Plan within two years of the date of the performance guarantee.
- B. The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the Selectmen for official action.
- C. Before a subdivider may be released from any obligation requiring his guarantee of performance, the Planning Board shall require certification from the various municipal officers to the effect that all improvements have been satisfactorily completed in accordance with all applicable Town ordinances - regulations and standards and with the terms and conditions of Planning Board approval.
- D. The Planning Board may, at its discretion, waive the requirements of a performance guarantee and recommend execution of such agreements, conditions, or other terms as shall be deemed necessary and proper by the Board. Such agreement, if executed with the town, shall be endorsed in writing on the Final Plan and shall provide that the Planning Board may approve the Final Plan or any part thereof, on the condition that no lot in the subdivision shall be sold and no permit shall be issued for construction of any building on any lot on any road in the subdivision until it shall have been certified in the manner set forth in paragraph 3 above that all improvements have been made within 2 years of the date of executing such conditional agreement.

11.11. Sewage Disposal

The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a person duly licensed by the State to perform such work in full compliance with the requirements of the State or Maine Subsurface Wastewater Disposal Rules. In addition, 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.

11.12. Road Design Standards

- A. These design standards shall be met by all roads within subdivisions, and shall control the roadway, shoulders and culverts.
- B. Roads shall be designed to discourage through traffic on minor roads within a residential subdivision.
- C. Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed with the municipality.
- D. Where a subdivision borders an existing narrow road (not meeting the width requirements of the standards of roads in this ordinance), or when the Comprehensive Plan indicates plan for realignments or widening of a road that would require use of some of the land in the subdivisions, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes". Land reserved for such purposes shall not be included in computing lot area or setback requirements of the Town. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Town or State.
- E. Any subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two road connections with existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted. Any road with an average daily traffic of 200 trips per day or more, shall have at least two road connections leading to existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted.
- F. The following design standards apply according to road classification.

	<u>COLLECTOR</u> ¹	<u>MINOR</u> ¹	<u>PRIVATE</u> ¹	<u>IND. &</u> ¹ <u>COMM.</u>
Minimum Right-of-Way Width	60'	50'	50'	60'
Minimum Roadway Width	24'	20'	18'	30'
Minimum Grade	1%	1%	1%	1%
Maximum Grade	6%	8%	8%	5%
Minimum Center Line Radius	175'	110'	110'	230'
Minimum Tangent between Reverse Curves	100'	50'	50'	100'

Roadway Crown	¼ / ft	⅜ / ft	¾ / ft	1 / ft
Minimum Angle of Road Intersections 2	90	75	75	90
Maximum Grade Within 75 Feet of Intersection	2%	2%	2%	2%
Minimum Curb Radii at Intersections	25'	20'	15'	30' ³
Minimum Right of Way Radii at Intersections	10'	10'	10'	15'
Minimum Width of Shoulders	3'	3'	3'	4'

G. The center line of the roadway shall be the center line of the right- of-way.

H. Dead End Roads. In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn- around with the following minimum requirements for radii: Property line: 65 feet; outer edge of pavement 56 feet. The Board may require the reservation of a 20 foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Board may also require the reservation of a 50 foot easement in line with the road to provide continuation of the road where future subdivision is possible. Private roads may provide a permanent "T" turnaround in lieu of a cul-de-sac. It shall be a minimum of 25 feet in length by 15 feet in width. The right-of-way dimensions shall be 50 feet in length by 30 feet in width.

I. Grades, Intersections, and Sight Distances.

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

1 See Section 3 for the definition as used in this ordinance.

2 Road intersection angles shall be as close to 90 degree as feasible, but no less than the listed angle.

3 Shall be based on turning radii of expected commercial vehicles, but no less than 30 feet.

2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the road design speed.

Design Speed (mph)	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>
Stopping Sight Distance (ft.)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3.5 feet and the height of object of 0.5 feet.

3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. 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 curblin or edge of shoulder, with the height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement.

Posted Speed Limit (mph)	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>45</u>	<u>50</u>	<u>55</u>
Sight Distance (ft.)	250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of all growth and sign obstructions, including ground excavation, to achieve the required visibility.

4. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 200 feet shall be maintained between center lines of side roads.

11.13. Road Construction Standards

A. Minimum thickness of material after compaction.

<u>Road Materials</u>	<u>Collector</u>	<u>Minimum Requirements</u>		<u>Comm/Indust.</u>
		<u>Minor</u>	<u>Private</u>	
Aggregate Sub-Base Course (Max. Size Stone 6")	18"	18"	16"	18"
Aggregate Base Course	3"	3"	3"	3"
Hot Bituminous Pavement				
Total Thickness	3"	3"	OPTIONAL	4"
Surface Course	1 1/4"	1 1/4"		1 1/2"
Base Course	1 3/4"	1 3/4"		2 1/2"

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 right -of-way shall be cleared of all stumps, roots, brush, and other objectionable material to within ten feet of the outside edge of the shoulders on both sides. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.
3. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Road Commissioner as not suitable for roadways, the subsoil shall be removed from the road site to a depth

of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below. As an alternative, the Board may require the use of an engineering fabric (geotextile) which meets the appropriate MDOT specifications (which were 620 and 722 for Stabilization Geotextile on March 1, 1989).

4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of an erosion and sedimentation control plan prepared by the developer.
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 end of the right-of-way prior to paving.

C. Base and Pavement

1. Base

- a. The Aggregate Sub-base Course shall be sand or gravel of 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 following grading requirements:

Aggregate Sub-base Type "D"

<u>Sieve</u> <u>Destination</u>	<u>Percentage by Weight</u> <u>Passing Square Mesh Sieves</u>
¼ inch	25-70%
No. 40	0-30%
No. 200	0-5%

Aggregate for the Sub-base shall contain no particles *of* rock which will not pass the six inch square mesh sieve.

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

Aggregate Base Course

<u>Sieve</u> <u>Destination</u>	<u>Percentage by Weight</u> <u>Passing Square Mesh Sieves</u>
------------------------------------	--

½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock which will not pass the three inch square mesh sieve.

2. Pavement Joints. Where pavement joints an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
3. Pavements.
 - a. Minimum standards for the base layer of pavement shall be the Maine Department of Transportation's specifications for plant mix grade 8 with a typical liquid asphalt content between 5.2 % and 6.0% by weight.
 - b. Maximum standards for the surface layer of payment shall meet the Maine Department of Transportation's specifications for plant mix grade C with a typical liquid asphalt content between 6.0% and 7.0% by weight.
 - c. Placement of hot bituminous pavements shall meet the Maine Department of Transportation's specifications for Construction Requirements in Section 401.
4. Culverts
 - a. Culverts shall be a minimum of 18 inches in diameter and shall be of a material acceptable to the Planning Board.

Section 12. Waivers:

- 12.1 Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with any provision of this Ordinance, or where there are special circumstances of a particular plan, it may waive any provision provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Comprehensive Plan, the Shoreland Zoning Ordinance, or any other ordinance or regulation.
- 12.2 In granting any waiver, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the provisions so waived.

Section 13. Validity, Effective Date, Conflict of Ordinances, Filing:

- 13.1 Validity: Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.
- 13.2 Effective Date: The effective date of this Ordinance, as amended, is March 18, 1989.
- 13.3 Conflict of Ordinances: This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, rule, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of public health, safety, and welfare, the provisions of this Ordinance shall prevail.
- 13.4 Filing: A certified copy of this Ordinance shall be filed with the Register of Deeds, according to the requirements of State law.

Section 14. Appeals

If the Planning Board shall disapprove an application for a subdivision or grant approval with conditions that are objectionable to any person, affected directly or indirectly, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance have been misconstrued or wrongfully interpreted, any person, affected directly or indirectly, may appeal in writing from the decision of the Planning Board to the Whitefield Board of Appeals established in accordance with Title 30, M.R.S.A., Section 2411, as adopted by the Town of Whitefield in Special Town Meeting, June 27, 1974. Said appeal must be made within 30 days of the Planning Board's written decision.

Section 15. Amendments

This Ordinance may be amended by a majority vote in a special or regular Town Meeting of Whitefield.