

NORRIDGEWOCK SUBDIVISION ORDINANCE

ADOPTED AT ANNUAL TOWN MEETING

MARCH 6, 2006

Section 1 General

- A. Title:
This Ordinance shall be known as the Town of Norridgewock Subdivision Ordinance and will be referred to as “This Ordinance”.
- B. Authority:
This Ordinance has been prepared in accordance with the provisions of Title 30 - A, M.R.S.A. Section 4401 through 4407.
- C. Purpose:
The purposes of this Ordinance are:
- To provide for an expeditious and efficient process for the review of proposed subdivisions.
 - To clarify the approval criteria of the State Subdivision Law, found in Title 30 -A, M.R.S.A. Section 4404.
 - To preserve and enhance the rural character of the community.
 - To assure the safety, health, and welfare of the people of the Town of Norridgewock.
 - To protect the natural resources of the Town of Norridgewock.
 - To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions can support the proposed uses and structures.
 - To promote the development of an economically sound and stable community.
- D. Applicability:
The provisions of this Ordinance shall apply to all development considered a subdivision as defined by Title 30 -A, M.R.S.A Section 4401 and this Ordinance.
- E. Effective Date:
The effective date of this Ordinance shall be the date of the adoption by the Town of Norridgewock on:
- F. Conflicts with other Ordinances:
Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.
- G. Validity and Severability:
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 the Ordinance.
- H. Availability:
A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request. Notice of availability of this Ordinance shall be posted

- in the Town Office.
- I. Application Forms:
The Town of Norridgewock Planning Board shall develop application forms to be used by all applicants seeking subdivision approval.
- J. Application Fee:
All applications for subdivision approval shall be accompanied by a non-refundable fee, determined annually by the Board of Selectmen, and made payable to the Town of Norridgewock:
- K. Amendments:
This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

Section 2 Definitions

Abutter: The owner of any property with one or more common boundaries, or across the road from the property involved in an application.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit under this Ordinance; a person whose land abuts lands for which a permit has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of a permit.

Applicant: The person applying for subdivision approval under this Ordinance.

Complete Application: An application shall be considered complete upon submission of the required fee and all the information required by this Ordinance, or by a vote to waive certain submission or performance standards by the Planning Board.

Final Plan: The final drawings and other required materials on which the applicant's plan of subdivision is presented to the Planning Board for approval which, if approved, may be recorded at the Registry of Deeds.

Person: includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Preliminary Plan: The preliminary drawings and other required materials indicating the proposed layout of the subdivision to be submitted to the Planning Board for consideration.

Property Owner: The owner of land shall be determined to be that person listed on the Town of Norridgewock property tax assessment records.

Public Improvements: The term shall include all roads; fire protection structures and ponds; any structure or land proposed to be dedicated to the Town; any land or structure which is offered as an easement to the Town; and, all storm drainage structures that are designed to allow water to flow outside the property of the subdivision.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review before submitting an application for subdivision approval.

Subdivision: As defined in Title 30 - A, M.R.S.A. Section 4401.

Wetland: A swamp, marsh, bog or similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. This is also meant to include forested wetlands.

Section 3 Review Criteria

The Planning Board shall consider the following criteria and before granting approval must determine that:

- A. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - The elevation of the land above sea level and its relation to the floodplain,
 - The nature of the soils and subsoils and their ability to support waste disposal adequately,
 - The slope of the land and its effect upon effluents, and,
 - The applicable state and local health and water resource rules and regulations.
- B. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.
- C. The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply, if one is to be used.
- D. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- E. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
- F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.
- G. The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are used.
- H. The proposed subdivision will not have an undue adverse effect on historic sites, archeological sites, or significant wildlife habitat as identified by the Department of Inland Fisheries and

Wildlife.

- I. The proposed subdivision conforms with all the applicable standards and requirements of this Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.
- J. The subdivider has adequate financial and technical capacity to meet all the review criteria, standards, and requirements contained in this Ordinance.
- K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- M. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, information must be presented by the applicant as to whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- N. All fresh water wetlands within the proposed subdivision must be identified on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent practicable.
- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams or brooks shall be protected from any adverse development impacts.
- P. The proposed subdivision will provide for adequate storm water management.
- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.
- R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- S. For any subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Section 4 Administration and General Procedures

A. Administration:

1. The Planning Board shall administer this Ordinance and review all subdivision applications according to the applicable review criteria and standards.

B. Decisions:

1. The Code Enforcement Officer shall determine if the subdivision application is complete and present his/her finding to the Planning Board.
2. After review of a complete application the Planning Board shall determine whether the application meets the Review Criteria contained in Section 3 of this Ordinance. The Planning Board shall vote to approve the application, deny the application, or approve the application with conditions.
3. If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in the Ordinance only when the Planning Board finds it necessary to further the purposes of this Ordinance. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision and on the final subdivision plan.
4. The Planning Board shall list any waivers approved by the Board on its decision form, and, on the final subdivision plan, and the reasons for such approval.

C. Burden of Proof:

1. The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in this Ordinance.

D. Rights Not Vested:

1. The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

E. Site Inspection:

1. The Code Enforcement Officer shall conduct an on-site inspection of the proposed project and report his/her findings to the Planning Board.
2. The Planning Board may vote to conduct an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the sketch

plan meeting or at another time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.

F. Waivers:

1. The Planning Board may vote to waive any of the review criteria and/or ordinance performance standards when it finds one of the following:
 - a. One or more of the review criteria and /or ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposal.
 - b. The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.
2. The applicant shall submit information and materials that support the waiver request with the application.
3. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

G. Subdivision Review Process:

1. All subdivision applicants shall be required to follow a three-tier review process as follows:
 - Sketch Plan Review
 - Preliminary Plan Review
 - Final Plan Review

H. Revisions to Approved Plans

1. An application for a revision to a previously approved plan shall be submitted to the Planning Board at least 14 days prior to a scheduled meeting of the Planning Board. If the revision involves a modification to a condition imposed by the Planning Board; the addition of additional units; the addition of new lots; or an expansion of the subdivision, then the procedure for a new application shall be followed. If the revision only involves minor modifications to the plan, the Planning Board may consider the revision request at the meeting. The Planning Board may vote to hold a public hearing on the proposed revision.
2. The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be revised or that are adversely affected by the proposed revision.
3. The applicant shall submit a copy of the approved plans and 7 copies of the revised

portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.

4. The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted to ensure that the review criteria are met.

I. As Built-Plans:

1. Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board, Code Enforcement Officer, and the Road Commissioner.

J. Appeals :

1. An aggrieved party may appeal any final decision of the Planning Board under this Ordinance to the Norridgewock Board of Appeals, within 45 days of the date the Planning Board issues a written order of its decision.

K. Public Hearing Requirements:

1. The Planning Board shall hold a public hearing on all final plan applications to receive public comment and information concerning the application.
2. The public hearing notice shall be made as follows:
 - a. The Planning Board shall hold a public hearing within 35 days after determining that the application is complete. A notice of the date, time and place of the public hearing shall be:
 - (1) Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
 - (2) Mailed by first class mail to the applicant, at least 14 days prior to the public hearing.
 - (3) Mailed by first class mail to all property abutters, at least 14 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.
3. The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

L. Joint Meetings:

1. If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A, M.R.S.A., Sections 4401- 4407.

M. Performance Guarantee:

1. A performance guarantee may be required for all public improvements proposed for the subdivision. If required the applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan.

2. The performance guarantee shall include one of the following:
 - a. A certified check, in an amount equal to the expense of installing the public improvements, made payable to the Town.
 - b. A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the Town, issued by a surety company.
 - c. A conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements. A phase development plan may be incorporated into the conditional agreement.
 - d. An irrevocable letter of credit from a bank or other lending institution which 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.
3. Prior to the release of the performance guarantee, the Planning Board shall determine that the proposed improvements meet or exceed the design and construction requirements specified in this Ordinance and the subdivision plans. The Planning Board shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspectors.
4. If, the Planning Board, Code Enforcement Officer, or other designated inspection official finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Town Manager and Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.

N. Inspection Requirements:

1. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:
 - a. The Road Commissioner shall inspect all roads including roads to be considered for public acceptance and private roads and associated drainage systems. (All roads shall be inspected according to the road standards contained in the Norridgewock Road Ordinance).
 - b. The Local Plumbing Inspector shall inspect the installation of all subsurface waste water treatment systems.
 - c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.
2. The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer. The Code Enforcement Officer and all other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exists and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the Planning Board and the Selectmen whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Planning Board and the Selectmen.

Section 5 Sketch Plan Review

- A. Purpose:
The purpose of the sketch plan submittal is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the expenditure of substantial sums of money for developing the subdivision plan.
- B. Procedure:
1. The applicant shall submit a complete sketch plan application to the Planning Board at least 14 days before a scheduled meeting of the Planning Board.
 2. The applicant shall present the sketch plan application to the Planning Board and make verbal presentation regarding the site and the proposed subdivision.
 3. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated into the application.
 4. The Planning board shall determine the contour intervals to be shown on the plan.
 5. The Planning board shall decide if the proposed subdivision meets the definition of a subdivision and if the applicant may submit a final plan for consideration.
- C. Submissions:
1. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a free-handed penciled sketch.
 2. The sketch plan shall be submitted on the application forms provided by the Planning Board and include the following:
 - a. A copy of the Tax Assessors map of the site and surrounding area.
 - b. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
 - c. A copy of the County Soil Survey showing the area of the proposed subdivision.

Section 6 Preliminary Plan Review

- A. Procedure:
1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete preliminary plan application to the Town Clerk and/or the Code Enforcement Officer. The applicant shall be issued a dated receipt and the preliminary plan application shall be placed on the Planning Board's agenda to be reviewed for a complete application.
 2. The application shall include 7 complete copies of all maps and related attachments. The

Planning Board shall receive 5 copies; the Code Enforcement Officer shall receive one copy; and, one shall be placed in the Town Office for public review.

3. As soon as possible, after the receipt of the preliminary plan the Town shall notify by first class mail all abutters to the proposed subdivision that an application for a subdivision has been submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at the Town Office. The Planning Board shall maintain a list of all abutters notified by first class mail, specifying the date the notice was mailed.
4. Within 35 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.
5. The Planning Board may hold a public meeting within 35 days of determining that it has received a complete application.
6. Within 35 days of the public meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
7. Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the 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 preparation of the final plan. The final plan shall be submitted for consideration upon fulfillment of the requirements of this Ordinance and conditions of preliminary approval, if any.

B. Preliminary Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision meets the review criteria, and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:
 - a. A receipt from the Town indicating that the application fee has been paid.
 - b. A preliminary plan application form and all required attachments and maps.
 - c. Waiver request form, if applicable.
 - d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties. The map shall show the following:
 - (1) Boundaries and designations of all shoreland zoning and other land use districts.
 - (2) An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.

- e. The following general information:
- (1) Name and address of the applicant and applicant's agent.
 - (2) The applicant shall provide proof of right, title or interest in the property.
 - (3) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
 - (4) The book and page and tax map and lot information of the property.
 - (5) The names of all property owners abutting the property.
 - (6) Acreage of the proposed subdivision, acreage of roads, and acreage of any land not included in the subdivision.
- f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
- (1) Name of the subdivision.
 - (2) Number of lots.
 - (3) Date, north point, graphic scale.
 - (4) Proposed lot lines with dimensions.
 - (5) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.
 - (6) Contour intervals as specified by the Planning Board.
 - (7) The location of all wetlands regardless of size.
 - (8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.
 - (9) The location of all slopes in excess of 20% slope.
 - (10) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.
 - (11) The location of any significant sand and gravel aquifers,
 - (12) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map.
 - (13) The boundaries of all shoreland zoning districts.
 - (14) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
 - (15) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
 - (16) The location of all rare and endangered plants as identified by the Department of Conservation.
 - (17) The location of all subsurface wastewater disposal system test pits or borings and test data and appropriate documentation.
 - (18) The location of all existing and proposed wells and appropriate documentation.
 - (19) All erosion control features proposed for the site.
 - (20) All storm water control features proposed for the site.
 - (21) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed

- to be offered for public acceptance to the Town.
 - (22) Documentation showing that adequate public water and/or sewer is available to serve the subdivision if municipal services are to be used.
 - (23) Road plans, specifications and appropriate documentation as required by the Norridgewock Road Ordinance.
 - (24) The type and location of any proposed fire control features, and appropriate documentation.
- g. A statement indicating how the solid waste from the subdivision will be handled.
 - h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance.
 - i. Any other data necessary to meet the requirements of this Ordinance.
 - j. Indicate how all roads and other public improvements will be maintained until the improvements are dedicated to the Town or for private roads and improvements, how they will maintain them over their lifespan.
 - k. One sheet may be prepared with all requirements of g through j listed and signed by all the proper authorities.

SECTION 7 Final Plan Review

A. Procedure:

1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Code Enforcement Officer. The applicant shall be issued a dated receipt and the final plan application shall be placed on the Planning Board's agenda to review for a complete application.
2. The application shall consist of 2 mylar and 3 paper copies. The Planning Board shall receive 2 mylar and 3 paper copies. One paper copy shall be placed in the Town Office for Public review.
3. Within 35 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific material needed to complete the application.
4. The Planning Board may schedule a public hearing to review the final plan within 35 days of determining that it has received a complete application.
5. Within 35 days of the public hearing or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
6. Upon voting to approve the final plan, the Planning Board shall sign 2 mylar and 3 paper copies. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 45 days of the date upon which the plan is approved. After recording, the Planning Board shall receive one mylar and 2 paper copies. Failure to file the plan with the Register of Deeds, within 45 days, shall make the plan null and void. Final Plans not

filed in the appropriate time shall be resubmitted to the Planning Board according to the requirements of Section 7 of this Ordinance.

The Applicant shall provide the Town proof that the Subdivision Plan was filed with the Register of Deeds, and shall submit to the Tax Assessors a copy of the subdivision plan showing the proposed lots, which corresponds to the scale of the Town Tax map showing the subdivision.

B. Final Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision meets the review criteria and requirements and performance standards contained in this Ordinance. The final plan submissions shall consist of the following:
 - a. A receipt from the Town indicating that the application fee has been paid.
 - b. A final plan application form and all required attachments and maps.
 - c. All the submission materials required for a preliminary plan.
 - d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
 - e. All waivers approved by the Planning Board shall be shown on the final plan.
 - f. All additional studies and/or materials required by the Planning Board, as applicable.
 - g. A signature block shall be provided on the final plan.
 - h. A performance guarantee, if applicable.
 - i. The location and type of all permanent markers set at all lot corners.
 - j. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any documents accomplishing such land dedication.
 - k. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.
- 1 Proof that all other applicable State and Federal permits have been obtained.

Section 8 Performance Standards

- A. The performance standards contained in this section shall apply to all subdivision proposals in the Town of Norridgewock.
- B. Minimum Lot Requirements
 - 1 Any lot within the Norridgewock Water District shall have at least 20,000 square feet of lot area and not less than 100 feet of road frontage. Any lot outside of the Norridgewock Water District shall have at least 30,000 square feet of lot area and not less than 150 feet of road frontage except in the situation of a cul-de-sac (dead-end road) on a private road when the frontage will be seventy five feet.
- C. Monuments:
 1. Permanent monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:
 - a. At all road intersections and points of curvature, but no farther than 750 feet apart

- along road lines without intersections or curves.
- b. At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
- c. At all other subdivision boundary corners and angle points plus lot boundary corners and angle points.
- d. If lot lines are not 90 degrees to the road, then monuments shall also be set 100 feet from the road at each side line.

D. Water Supply:

- 1. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
- 2. The water supply for the subdivision and each lot shall be adequate to supply all the potable, and other water requirements of the development. The applicant shall submit documentation from a Hydrologist or a Well Driller familiar with the area, stating that adequate water is available to supply the subdivision.
- 3. Public Water Supply:
The applicant shall submit a letter from the Norridgewock Water District indicating that an adequate supply of water is available to serve the subdivision.

E. Fire Protection and Other Emergency Vehicles:

- 1. They shall design the subdivision so that the Fire Department and all other emergency vehicles shall have unrestricted access to all developed areas within the subdivision.

F. Subsurface Wastewater Disposal Systems:

- 1. The applicant shall submit evidence of site suitability for subsurface wastewater disposal system prepared by a Licensed Site Evaluator in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine. All test pit or test boring locations shall be shown on the subdivision plan and be accompanied by an HHE-200 Form or other format which shows the appropriate soils data.
- 2. The applicant shall submit the test pit/boring data to the Town of Norridgewock LPI for review. The LPI shall review the data for conformance with State Law and this Ordinance and issue the applicant a written statement. The LPI shall state whether the data submitted is sufficient to make a reasonable determination that the soils will accommodate a subsurface system or indicate if additional data or site analysis is needed. The applicant shall submit the LPI's statement with the preliminary plan application.
- 3. In no instance shall a disposal area for a lot or structure be granted a New System Variance from the Subsurface Wastewater Disposal Rules. Holding tank systems shall not be allowed to serve new lots or structures.

G. Public Sewer

- 1. The applicant shall obtain a letter from the Town Manager/Sewer Administrator indicating

that the proposed subdivision sewer lines including the connection to the municipal system are adequate and conform to all applicable town standards.

H. Erosion Control:

1. All activities which involve filing, grading, excavation or other similar activities which result in unstabilized soil conditions shall comply with the following:
 - a. The site shall be developed to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed in accordance with the “Maine Erosion and Sedimentation Control handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environment Protection, March 1991 or as most recently amended.
 - b. All temporary and permanent erosion features shall be shown on the subdivision plan.

I. Stormwater Control:

1. All construction and development shall be designed to minimize storm water runoff from the site. Where possible existing natural runoff control features shall be retained to reduce runoff and encourage infiltration.
 - a. A storm water control plan shall be developed to limit peak discharges from the site to predevelopment levels through a system of swales, culverts, and best management practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995 or as most recently amended.
2. A storm water control plan shall be developed as required, by a registered engineer, for the site according to the following standards:
 - a. Peak discharges shall be limited to the predevelopment levels for the 2-year, 10-year and 25-year frequency, 24 hour duration storm.
 - b. A storm water control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Direct Watersheds of Waterbodies Most at Risk from New Development shall be deemed to be a suitable equivalent to these standards.

J. Waterbody Protection:

1. The locations of all rivers, streams, brooks, and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.

K. Ground Water:

1. Any development proposed within a Sand and Gravel Aquifer as identified by the Town of Norridgewock shall be designed and constructed according to a plan which takes into

account the impact of the development upon the aquifer.

2. The Planning Board may require the applicant to provide a plan developed by a hydrologist which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan is required, shall consider the density of the development, and existing conditions or problems within the area.

L. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Rare and Natural Areas:

1. The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are on the site, a protection plan shall be developed in accordance with the following:
 - a. If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Preservation Commission, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.
 - b. If any portion of the site is within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
 - c. If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss. Wildlife habitat areas shall include the following:
 - (1) habitat or endangered species appearing on the official state or federal list of endangered or threatened species.
 - (2) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
 - (3) Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

M. Financial and Technical Capacity:

1. The applicant shall submit evidence if required by the Planning Board that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:
 - a. A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and experience with projects of similar size and scale.
 - b. A list of all persons with inspection and oversight responsibilities for the development and if available, the persons selected to construct the project, including their qualifications and experience with projects of similar size and scale.

- c. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time specified by the applicant.
- N. Conformity With All Other Applicable Local Ordinances:
 - 1. The applicant shall show that the subdivision meets all other applicable local ordinances including Shoreland Zoning, Floodplain Management and the Norridgewock Road Ordinance.
- O. Road and Traffic Access Standards:
 - 1. All proposed public and private subdivision roads shall be designed, constructed and installed according to the Road Ordinance of the Town of Norridgewock.
 - 2. Previously accepted existing Town ways may be exempted.
- P. Agricultural, Forest and Rural Resources
 - 1. Whenever a proposed subdivision is adjacent to an active farm, pasture field, a woodlot listed under Tree Growth, a productive forestry site or a borrow pit operation, suitable provisions shall be incorporated in the subdivision proposal to minimize future conflicts between residential sites and agricultural, forestry or borrow operations. A disclosure notice, shall be included in the deed for each lot, to inform the new landowner that agricultural, forestry or borrow pit activities generate noise, dust and odors.

SECTION 9. ENFORCEMENT

- A. It shall be the responsibility of the Code Enforcement Officer to enforce the provisions of this Ordinance.
- B. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.
- C. A person shall not offer to convey or convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- D. A person shall not sell, lease, offer or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- E. No public utility, water district, sanitary district, 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 Planning Board.
- F. Development of a subdivision without Planning 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 plan approved as provided in this Ordinance and recorded in the Registry of Deeds.

- G. No lot in a subdivision may 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.
- H. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. ss.4452.

APPENDIX A

SUBDIVISION LAW

TITLE 30-A SECTION 4401-4407

Title 30-A Chapter 187 Planning and Land Use Regulation (Heading: PL 1989 c 104 Pt A @45

- B. Granting approval of the proposed subdivision or [1989 c 104 Pt A Section 45 and Pt C Section 10 (new) 1
- C. Granting approval upon any terms and conditions that it considers advisable to:
 - (1) Satisfy the criteria listed in section 4404;
 - (2) Satisfy any other regulations adopted by the reviewing authority; and
 - (3) Protect and preserve the public's health, safety and general welfare (1989. c 104 Pt A section 45 and Pt C Section 10 (new).]
- 6. Burden of proof; findings of fact. In all instances, the burden of proof is upon the person proposing the subdivision. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does not meet the criteria described in subsection 5. [1989 c 104, Pt A section 45 and Pt C section 1(new)].
- 7. Conditioned on variance. If the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance, the subdivider must comply with section 4406, subsection 1, Paragraph B. [1989 c 104 Pt A Section 45 and Pt C Section 10 (new)].

PL 1989 Ch 104 Section A45, C10 (new).

PL 1989 Ch 497 Section 4-7 (amd)

PL 1995 Ch 93 Section 1 (amd)

PL 1997 Ch 226 Section 1 (amd)

PL 1999 Ch 761 Section 11 (amd)

Section 4404 Review Criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that: [1989 c 104 Pt A Section 45 and Pt C Section 10 (new)].

- 1. Pollution> The proposed subdivision will not result in undue water or airpollution. In making this determination, it shall at least consider: [1989 c 104 Pt A section 45 and Pt C Section 10 (new)].
 - A. The elevation of the land above sea level and its relation to the flood plains; [1989 c 104 Pt A Section 45 and Pt C section 10 (new)].
 - B. The nature of soils and subsoils and their ability to adequately support waste disposal; [1989 c 104 Pt A Section 45 and Pt C section 10 (new)].
 - C. The slope of the land and its effect on effluents: [1989 c 104 Pt A Section 45 and Pt C section 10 (new)].
 - D. The availability of streams for disposal of effluents; and [1989 c 104 Pt A Section 45 and Pt C Section 10 (new)].
 - E. The applicable state and local health and water resource rules and regulations; [1989 c 104 Pt A

- Section 45 and Pt C Section 10 (new)].
2. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision. [1989 c 104 Pt A Section 45 and Pt C section 10 (new)].
 3. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used; [1989 c 104 Pt A Section 45 and Pt C Section 10 (new)].
 4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results; [1989 c 104 Pt A Section 45 and Pt C section 1(new)].
 5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and if the proposed subdivision requires driveways or entrances to a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 4. Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 Section 4 and any rules adopted under that section; [2001 c 560 Section 1 (amd)].
- H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:
- (1) Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or
 - (2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

[201 c 651 section 3 (new)].

- I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

[201 c 359 section 5 (amd)].
5. New structure or structures. "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. This area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.

{ 1989 c 104 Pt A section 45 and Pt C section 10 (new)].
6. Tract or parcel of land. "Tract or parcel of land" means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road established by the owner of land on both sides of the road. [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
7. Outstanding river segments. In accordance with Title 12, section 402, "outstanding river segments" means: [1989 c 104 Pt A Section 45 and Pt C section 10 (new); c 497 section 3

(amd).]

- A. The Aroostook River from the Canadian border to the Masardis and T.10, R.6, W.E.L.S town line, excluding the segment in T.9, R.5 W.E.L.S [1989 c 104 Pt A section 45 and Pt C Section 10 (new)].
- B. The Carrabassett River from the Kennebec River to the Carrabassett Valley and Mt Abram Township town line; [1989 c 104 Pt a Section 45 and Pt C section 10 (new)].
- C. The Crooked River from its inlet into Sebago Lake to the Waterford and Albany Township town line. [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
- D. The Damariscotta River from the Route 1 bridge in Damariscotta to the dam at Damariscotta Mills; [1989 c 104 Pt A section 45 and pt C section 10 (new)].
- E. The Dennys River from the Route 1 bridge to the outlet of Meddybemps Lake, excluding the western shore in Edmunds Township and No. Plantation; [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
- F. The East Machias River, including the Maine River, from ¼ of a mile above the Route 1 bridge to the East Machias and T.18, E.D., B.P.P. town line, from the T.19, E.D., B.P.P. and Wesley town line to the outlet of Crawford Lake, and from the No. 21 Plantation and Alexander town line to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond. {1989 c 104 Pt A section 45 and Pt C section 10 (new)].
- G. The Fish River from the bridge at Fort Kent Mills to the Fort Kent and Wallagrass Plantation town line, from the T.16, R.6, W.E.L.S. and Eagle Lake and Winterville Plantation town line, and from the T.14, R.6, W.E.L.S. and Portage Lake town line to the Portage Lake and T.13,R.7, W.E.L.S. town line, excluding Portage Lake;[1989 c 104 Pt A section 45 and Pt C section 10 (new)].
- H. The Kennebec River from its inlet into Cupsuptic Lake to the Rangeley and Lower Cupsuptic Township town line; [1989 c 104 Pt A section 45 and Pt C section 10 (new)].

Title 30-A Chapter 187, Planning and Land Use Regulation (Heading: PL 198, c 104, Pt A @45 (new).

- B. A concrete monument. [1989, c 104, Pt A section 45 and Pt C section 10 (new)].
 - C. An iron pin; or [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
 - D. A drill hole in ledge. {1989 c 104 Pt A section 45 and Pt C section 10 (new)}
3. Utility installation: A public utility, water district, sanitary district or any utility company of any kind may not install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officers and the utility, except that if a public utility, water district, sanitary district or utility company of any kind has installed services to a lot or dwelling unit in a subdivision in accordance with this subsection, a subsequent public utility, water district, sanitary district or utility company of any kind may install services to the lot or dwelling unit in a subdivision without first receiving written authorization pursuant to this section. [2001 c 40 section 1 (amd)].
4. Permit display. A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on site while work authorized by the permit is being conducted. [1991 c 838 section 15 (new)].
- PL 1989 Ch 104 Section A45, C10 (new)
- PL 1989 Ch 326 Section 2 (amd)

PL 1989 Ch 497 Section 10 (amd)
PL 1989 Ch 769 Section 1 (amd)
PL 1989 Ch 772 Section 4 (amd)
PL 1991 Ch 548 Section D5 (amd)
PL 1991 Ch 838 Section 15 (amd)
PL 1997 Ch 199 Section 1 (amd)
PL 2001 Ch 40 Section 1 (amd)

Revisions to existing plat or plan

Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the municipal reviewing authority shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of section 4404. [1989 c 104 Pt A section 45 and Pt C section 10 (new) c 497 section 11 (amd)].

1. Recording. If a subdivision plat or plan is presented for recording to a register of deeds and that plat or plan is a revision or amendment to an existing plat or plan, the register shall: [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
 - A. Indicate on the index for the original plat or plan that it has been superseded by another plat or plan; [1989 c 104 {Pt A section 45 an Pt C section 10 (new)}]
 - B. Reference the book and page or cabinet and sheet on which the new plat or plan is recorded: and [1989 c 104 Pt A section 45and Pt C section 10 (new)]
 - C. Ensure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan [1989 c 104 Pt A section 45 and Pt C section 10 (new)]
1989 Ch 104 Section A45 and Pt C section 10 (new)]
1989 Ch 497 section 11 (amd)]

Subchapter 5: ENFORCEMENT OF LAND USE REGULATIONS (HEADING: PL 1989, C 104, PT A @ 45 (NEW)

451. Training and certification for code enforcement officers
Certification required; exceptions. Beginning January 1, 1993, a municipality may not employ any individual to perform the duties of a code enforcement officer who in not certified by the office except that; [1997 c 296 sections 5, 6 (amd); 2003 689 Pt B section 6 (rev)].
Updated through the end of the 121st Legislature. Created 2004-11-22, Page 44