SUBDIVISION ORDINANCE
of the
TOWN OF WINTER HARBOR, MAINE

Adopted on 14 December 2004

2004 Draft Ordinance Review Schedule:

JUN-OCT: Planning Board meetings/workshops to update Ordinance
19 OCT: Draft Ordinance complete for review process
26 OCT: Planning Board Initial Approval
9 NOV: Initial Public Hearing
16 NOV: Planning Board approves Initial Public Hearing changes
22 NOV: Municipal Attorney comments received
29 NOV: Select Board review
30 NOV: Planning Board meeting to discuss Municipal Attorney comments
06 DEC: Planning Board workshop to make final changes
13 DEC: Select Board Final Review
14 DEC: Second Public Hearing and Special Town Meeting vote

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ARTICLE I. AUTHORITY AND ADMINISTRATION

A. Authority.

1. This Ordinance has been prepared in accordance with the provisions of Title 30-A, MRSA, Sections 4401:4407 as amended, the Winter Harbor Comprehensive Plan, the Shore Land Zoning Ordinance, the Town Zoning Ordinance and other ordinances adopted by the Town.

2. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of Winter Harbor, Maine".

3. It shall apply to all subdivisions as defined by said Maine Statutes, including residential, commercial and industrial.

B. Administration.

1. The Planning Board of the Town of Winter Harbor, hereinafter called the Board, shall administer these standards.

2. No building permit shall be issued by the Code Enforcement Officer for any use or development within the scope of this Ordinance until an application has been reviewed and approved by the Board and any conditions attached to the approval are fulfilled.

3. This Ordinance may be amended by the legislative body of the Town of Winter Harbor. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least thirty days in advance of the hearing.

C. Separability, Validity, Conflict of Ordinances and Effective Date.

1. The invalidity of any section, subsection, paragraph, sentence, clause, phrase or work of this Ordinance shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase, or work of this Ordinance; and to this end the provisions of this Ordinance are hereby declared to be severable.
2. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance, regulation, or code of the Town of Winter Harbor existing on the effective date of this ordinance, the provision which established the higher standard for the promotion and protection of health, safety and general welfare shall prevail.
3. This Ordinance requires adoption by the legislative body of Winter Harbor and has a retroactive effective date of 19 October, 2004.

ARTICLE II. PURPOSE

A. The purpose(s) of this Ordinance are:

1. To assure that new development in the Town of Winter Harbor meets the goals and conforms to the policies of the Winter Harbor Comprehensive Plan.
2. To protect the environment and conserve the natural and cultural resources identified in the Winter Harbor Comprehensive Plan as important to the community.
3. Providing a process by which the Winter Harbor Planning Board can evaluate the impact of the subdivision as well as providing clear procedures which applicants for subdivision permits shall follow.
4. Establish an administrative review process which will provide the Winter Harbor Planning Board with sufficient evidence, data, and material to carry out its responsibilities as required by 30-A MRSA, Sections 4401:4407 as amended.
5. Assure the safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community.
6. Assures conformance with the zoning regulations.
7. Provides for drainage, water, sewerage, streets, open space and other improvements to recognize a desirable relation to land form, topography and geology, natural drainage and surface run-off, and to preserve natural assets.

B. Planning Board Considerations.

The Planning Board shall consider the following criteria and before granting approval, shall determine that the proposed subdivision:

(a) Is in conformance with Winter Harbor Ordinances.

(b) Is developed by an applicant who has adequate financial and technical capacity to meet the required standards.

(c) Will not cause a shortage or overtaxing of the municipal water, solid waste disposal, sewage disposal, public safety, or school system.

(d) Will not have an adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitat, rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

(e) Will not result in undue water or air pollution and complies with all applicable state and local health and water resource rules and regulations.

(f) Or any part of it is in the one hundred (100) year Flood Hazard Boundary based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map.

(g) Will not adversely affect the watershed of any coastal wetland, great pond, river, stream, brook and actual or potential freshwater wetland as defined in 38 M.R.S.A., Section 480-B or any great pond or lake, or within 250 feet of the upland edge of any great pond, river or saltwater body, coastal or freshwater wetland, or within 75 feet of the high water line of a stream.

(h) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

(i) Will not cause a long-term cumulative effect substantially increasing a great pond's phosphorus concentration during the construction phase and life of the subdivision.

(j) Will not create any lots with the greatest dimension more than five (5) times the shortest dimension.

(k) Includes provisions for adequate sewage waste disposal including the nature of soils and sub-soils and their ability to adequately support waste disposal.

(l) Will provide for adequate storm water management, has adequate slope of the land and the effect on water runoff.

(m) Has sufficient water available for the foreseeable needs of the subdivision or will not cause an overtaxing on an existing water supply.

(n) Will 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.

(o) Will not cause congestion or unsafe conditions to existing or proposed highways or public roads.

(p) Will protect and assure access to direct sunlight for solar energy systems on adjoining property.

(q) 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.

ARTICLE III. DEFINITIONS

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. Terms not specifically defined below but defined in Title 30-A MRSA, Section 4401 et seq. as amended shall have the meanings therein stated.

Acceleration Lane: a speed-change lane for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

Access: the ability to enter or leave a public street or highway from an adjacent driveway or another public street.

Access Management: the design and regulatory control of curb cuts and driveways to maintain highway and roadway safety and the traffic carrying capacity of an arterial and major collector road.

Applicant: the owner of record, an optionee, or his agent duly authorized in writing.

Area (rural): any area in the Town of Winter Harbor not defined as an urban area.

Area (urban): all areas within the Town of Winter Harbor and any other area designated on the Comprehensive Plan as Downtown District.

Average Daily Traffic (ADT): the average number of vehicles per day that enter and exit the premises to travel over a specific section of road.

Base: that portion of the roadway constructed of material on the sub-grade and supporting the surface and pavement.

Board: the Town of Winter Harbor Planning Board.

Board of Appeals: the administrative review panel. The Board of Appeals shall conduct a hearing, in the case of appeals of subdivision decisions which shall be purely appellate and shall not be de novo.

Building Area: the area designated on a plat within which may be located the principal building and/or house site, including driveways, septic fields, and landscaping.

Building Site/Building Footprint: the ground area enclosed by the exterior surfaces of the walls of a building, together with the area of all covered porches and other roofed portions including roofed or open patios and decks.

Buffer Area: a part of a property or entire property, which is not built upon and is specifically intended to separate and minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvement Program (CIP): the municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: the portion of the Comprehensive Plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Cluster Subdivision: a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

Code Enforcement Officer: the certified individual charged with enforcing the Town's Zoning Ordinance, State and local Subdivision regulations, and other legal codes under his/her jurisdiction.

Complete Application: an application shall be considered complete upon submission of the required fee and all information required by these regulations for a preliminary plan. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan: any part or element of the overall plan or policy for development of the Town as defined in Title 30: A MRSA Section 4502.

Commercial Use: the use of lands, buildings, or structures, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Community Open Space: land not to be developed for building purposes, but to remain permanently available for purposes of recreation, including recreation facilities, and for conservation, including agriculture, for the benefit of the neighborhood community, without buildings, except as incidental accessories to agricultural, forestry, conservation and recreational purposes and maintenance.

Complete Application: an application shall be considered complete upon submission of the required fee and all information required by these regulations or by a vote by the board to waive the submission of required information. The board shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: the completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the applicant, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Construction Drawings: drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground power ducts and underground telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

Contiguous Lots: lots which adjoin at any line or point, or are separated at any point by a body of water less than 15' wide.

Covered Improvements: improvements (roads, sidewalks, sewer, and water), storm water control and erosion control.

Cul-de-sac: a local street, one end of which is closed and consists of a circular turnaround.

Cluster or Planned Development: a residential development in which the minimum lot standards and setback requirements, otherwise required by this Ordinance, are reduced or modified in exchange for the permanent preservation of open space or other common areas; provided that the overall residential density of the development meets the requirements of the zoning district in which the development is located.

Densely-Developed Area: any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.

Driveway: a vehicular access way serving two dwelling units or less. A vehicular way within a lot.

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, and sleeping facilities; includes single family houses, and units in a duplex, apartment house, multi-family dwellings, and residential condominiums.

Density: the average area of land required per family of occupancy in the area of the town where located, as described in the municipal plan and more particularly as required by applicable provisions of the zoning bylaw. Density is expressed in acres per dwelling unit, but where less than one (1) acre, units per acres.

Developed Area: any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Direct Watershed of a Great Pond: that portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the Comprehensive Plan. Due to the scale of the map in the Comprehensive Plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the board with information from a registered land

surveyor showing where the drainage divide lies.

Easement: the grant by a property owner for the use by another, and for a specified purpose, of any designated part of his property. A right-of-way is a type of easement.

Engineer: municipal Engineer or consulting engineer licensed by the State of Maine.

Fee(s)/deposits:

a. Non-Refundable Subdivision Application fee: must accompany the application for a subdivision building permit; fifty ($50.00) dollars for a minor subdivision, five hundred ($500.00) for a major subdivision.

b. Subdivision Non-Interest Bearing Escrow Account Deposit. A separate account according to acreage. The Planning Board may draw from the escrow account to defer *the town's* costs associated with the proposed subdivision such as consulting engineering fees, inspection fees, attorney fees, etc.

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

Great Pond: any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty (30) acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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 location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soils surveys.

100-Year Flood: the highest level of flood that, on the average, has a one percent chance of occurring in any given year. Reference is the Winter Harbor Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map.

High Water Mark:

Coastal Waters: the elevation at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant, apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In places where vegetation is not present, the high water mark shall be the identifiable debris line left by non-storm tidal action. On a sand dune, the high water mark shall be the mean seaward limit of salt tolerant vegetation.

Inland Waters: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Historic Resources: properties, either singly or in combination as a district, containing one or more structures eligible for listing on the National Register of Historic Places.

Home Occupation: an occupation or profession which is carried on or in a detached single-family dwelling unit or accessory structure by the full-time permanent occupant of the dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof (by way of illustration and not of limitation, the term home occupation shall include making foods such as breads, cookies, or preserves, rugs, birdhouses, fishing flies, and quilts). The term "home occupation" shall include both professional and personal services.

Homeowners Association: a community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space, facilities and roads.

Landscaping: the addition of lawn, trees, plants, grading and other natural and decorative features to land.

Legislative Body: Special or regular Town meeting.

Level of Service: a description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition.

Lot: any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clearly separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single family residence, not intended for human occupancy. Included under this definition of lot would be any multifamily dwelling, apartments, mobile home sites, campsites, trailer sites, recreational vehicle sites, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.

Mobile Home Park: a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes, as defined in 30-A MRSA, Section 4358 (1)(A) as amended.

Mobile Home Park Lot: the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

Mobile Home Subdivision or Development: a parcel of land approved by the municipal reviewing authority under Title 30-A, MRSA, Section 4401 et seq. as amended, for the placement of manufactured houses on individually owned lots.

Multifamily Development: a subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Municipal Engineer: any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

Municipality: Town of Winter Harbor, Maine.

Net Residential Acreage: the total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development.

Net Residential Density: the average number of dwelling units per net residential acre.

Official Map: the Municipality Property Tax Map showing the location of property, ways used in common by more than two owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

Open space: see Community Open Space

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

Planning Board: the Winter Harbor Planning Board.

Pre-existing subdivision: for the purposes of these regulations a pre-existing subdivision shall be a lot plan filed in the office of the Town Clerk prior to 23 September, 1971.

Preliminary layout: shall mean the Sketch Plan submitted to the Board for discussion purposes only, sufficiently clear to work out detailed solutions prior to preparing the subdivision plat.

Principal Structure: any building or structure in which the main use of the premises takes place.

Prominent Hillside/Ridgeline: a ridgeline or hillside which is characterized by an elevation, slope, orientation and/or relationship to nearby property so as to be highly visible from distant vantage points.

Re-subdivisions: any change in a recorded subdivision plat or lot plan as discussed in Article VII (F) of this Ordinance.

Right-of-Way: all lands or other property interest provided or acquired for the development and operation of a road, which could include drainage and slope easements.

Road: a town or state highway, a street of an incorporated village or a road shown on a subdivision plan approved by the Town of Winter Harbor. The word "road" shall include the entire right-of-way thereof. If no such right-of-way has been surveyed and recorded and is not marked by a fence line or other physical boundary, the right-of-way shall be assumed to be one and one-half rods (24.75 feet) from the center of the traveled way or as described in the land records. The word "road" includes the word "street". Excepted from this definition are rights-of-way serving not more than three (3) family dwelling units or lots, unless the right-of-way is continued beyond the three units or lots to provide future access to adjacent property(s) or lots.

Roadbed: general term denoting the foundation and the surface of the road.

Roadside: general term denoting the area adjoining the outer edge of the roadway.

Roadway: that portion of the highway within the limits of construction, including the travel surface, shoulders and ditches.

Scenic corridor: a street or road which is an important scenic asset of the community, the scenic value of which would be impaired by strict adherence to these regulations.

Screening: a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Shoulders: that portion of the roadway lying immediately outside of the pavement.

Sight Distance: the length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

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

Street: public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

Access Street: a street used primarily to give access to abutting properties.

Arterial Street: a major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: U.S. Route 186.

Collector Street: a street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: a local street, one end of which is closed and consists of a circular turnaround.

Industrial or Commercial Street: streets servicing industrial or commercial uses.

Minor Residential Street: a street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: a minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Rural Road: a limited use road, serving an area of low density, which is not up to present town road specifications.

Steep Slopes: land characterized by a gradient in excess of 15%.

Subdivider: see "Applicant".

Subdivision:

(A) the term 'subdivision' means the division of a tract or parcel of land, or of a structure, as defined in 30-A M.R.S.A. 4401(4), as amended. This Ordinance also adopts statute section 4401(4) for clarification of which divisions do not create a subdivision 'lot'.

(B) any application for approval of a planned unit/residential development, including, without limitation, an industrial, residential or resort Planned Unit Development (PUD) shall be reviewed as a subdivision.

Subdivision Application: the applicant's plan of subdivision and supporting documents that is presented to the Planning Board for approval and which, if approved, must be filed for record with the Municipal Clerk and County Registry of Deeds and must comply with all requirements of Article V of this Ordinance.

Sub-grade: that portion of the roadway upon which the base and shoulders are constructed.
Surface Treatment: any bituminous treatment applied on the surfacing course, such as a tarred surface pavement applied at a rate of one gallon per square yard with at least two (2) inches of penetration.

Surfacing: that portion of the roadway constructed on the base course to facilitate fine grading and produce good ride ability.

Subdivision:

Minor: the division of any parcel or area of land into three (3) plots or parcels or the alteration, reconfiguration or relocation of existing property lines between existing parcels in a manner which does not result in any additional lots, plots, parcels of land or movement of a town highway.

Major: The division of any parcel or area of land into four (4) or more lots, plots or parcels or the alteration, reconfiguration or relocation of existing property lines between existing parcels in a manner which results in any additional lots, plots, parcels of land or movement of a town highway.

Subdivision plat: the final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of this Ordinance which, when approved by the Board, shall meet the current Plat law requirements.

Thoroughfare, principal: Any street which serves primarily to carry large volumes of traffic between the town and other communities, or between town and a regional or interstate expressway.

Thoroughfare, secondary: any street which serves primarily to carry large volumes of traffic between collector streets and other thoroughfares.

Tract or Parcel of Land: all contiguous land in the same ownership provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 23, 1971.

Usable Open Space: that portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings or areas with slopes exceeding 10%.

Waiver: where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, it may waive the requirement for certain improvements provided that waiving the standard does not rise to the level of a variance.

Wetlands: those areas indicated on the current National Wetland Inventory (NWI) maps as digitized on the Winter Harbor Wetlands Map. Also, those areas that are not on the NWI maps but are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas upon which food or crops are grown in connection with farming activities.

Water-Related Terms:
The following terms have the meanings established in 38 M.R.S.A., Section 436(A) and Section 480(B):

Coastal Wetlands	Freshwater Wetlands
River, Stream or Brook	Great Ponds
Normal High Water Line	Significant Wildlife Habitat

ARTICLE IV. WAIVERS AND EXEMPTIONS.

A. Waivers.

1. Waiver of Submission Requirements. Where the Board makes written findings of fact that there are special circumstances, it may waive portions of the submission requirements provided:

(a) Performance Standards are not otherwise indicated in the regulations.

(b) The public health, safety, and welfare are protected.

(c) The waiver does not have the effect of nullifying the intent and purpose of the Maine Statutes or Winter Harbor Ordinances.

2. Waiver of Required Improvements. Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, it may waive the requirement for certain required improvements provided:

(a) The waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or these regulations.

(b) The improvements are not required to provide for the public health, safety or welfare.

(c) Are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision.

(d) The Board will consult with the Code Enforcement Office prior to granting a waiver.

3. Board may set Conditions. Waivers may only be granted in accordance with Article II of this Ordinance. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

4. Waivers shall be shown on Final Plan. When the Board grants a waiver to any of the required improvements, the Final Plan, to be recorded at the Registry of Deeds within ninety (90) days of plan approval, shall indicate the waivers granted and the date on which they were granted.

B. Exemptions.

1. Prior Existence Exemption. This Ordinance does not apply to any subdivision approved by the Planning Board prior to the effective date of this Ordinance (19 OCT 2004). Any further subdivision of a lot or lots of previously approved subdivisions shall require Planning Board approval as an amendment to the original plan.

2. Waiver of survey requirement. The Board may, upon applicant's request and for good cause shown, waive the requirement that any lot, plot or parcel retained by the land owner be surveyed, provided the land is used for agricultural or silvaculture purposes. The Board may impose conditions, including requiring that a notice or agreement containing restrictions on such retained land be recorded the Town of Winter Harbor Land Records.

ARTICLE V. DESIGN AND PERFORMANCE STANDARDS.

Required of all Subdivisions. The Board shall consider all of the following requirements for each proposed subdivision unless otherwise noted. In all instances, the burden of proof shall be upon the subdivision applicant.

A. Plan shall conform to Land Use regulations. Any proposed subdivision shall conform to all applicable State laws and to the Town of Winter Harbor Zoning Ordinances.

B. Relationship to Community. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. Prior to the approval of a subdivision plat, the subdivider has the responsibility to satisfy the Board that the land can be used for the intended purposes without undue adverse impact on public health or safety, the environment, or the rural and historic character of the community.

C. Historic Resources and Community Character. Due regard shall be given to the preservation and enhancement of historic resources and the rural character of the Town. In granting subdivision approval, the Board may require the following:

(1) Subdivisions in or adjacent to existing urban areas, including Winter Harbor Village, and/or designated commercial growth centers, shall be designed to reflect traditional village settlement patterns characterized by an appropriate scale of development, an interconnected street network with development oriented to the streetscape, a mix of land uses and pedestrian access.

(2) Subdivisions in rural areas will result in minimal adverse impact on the rural landscape as characterized by open fields and forested hillsides. Impacts will be minimized through appropriate considerations including but not limited to low density development patterns, clustering and/or screening.

(3) Subdivisions within or adjacent to historic districts or structures shall result in a minimal adverse impact on the historic context of the affected property(s). The scale, location or design of proposed development may be restricted to ensure that new development is consistent and complementary of the historic district or structure.

C. Municipal Facilities. A proposed major subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services. To satisfy this standard, the Board may employ the services of a State Certified Municipal Planner.

E. Utilities.

(1) General requirements. The applicant shall provide for the Board approval, the size, type and location of all public utilities such as street lights, electricity, telephones, gas lines, fire hydrants, dry hydrants, sewer or septic lines, etc. The Board may require the extension of public water and sewers to and within a proposed subdivision without cost to the town. Utilities shall be installed underground except as otherwise approved by the Board.

(2) Power and Telecommunications. Power and telephone lines shall be installed underground. The Board may place restrictions on the location and design of utility transformers, transclosures, meter boards and related equipment in order to minimize adverse visual impact. If underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the subdivider as approved by the corporation or municipal department having jurisdiction, and to the satisfaction of the Select Board or trustees and without expense to the town.

(3) Street Lighting. The Board may require the installation of street lighting in any subdivision in Winter Harbor Village.

F. Disclosure of Subsequent Development Plans. Whenever an applicant submits a proposal for development on only a portion of a contiguous parcel, the Board may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing. The Board may require the execution of a Development Agreement between the applicant and Board which ensures the ongoing integration of future development with each phase of subdivision.

G. Homeowners Association as a Private Enforcement Mechanism. Pursuant to the Regulations and as a condition of subdivision approval, the Board may require the formation of a Homeowners Association, consisting of the owners of all properties within the subdivision, to ensure that the terms of any protective covenants, conditions or other agreements are monitored and enforced.

H. Public Rights of Access. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or will be included in the open space with provisions made for continued public access and notated on the Final Plan.

I. Land Not Suitable for Development. The Board shall not approve such portions of any proposed subdivision that:

(1) Are situated below sea level.

(2) Are located within the Flood Plain as identified by the one hundred (100) year Flood Hazard Boundary based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps.

(3) Are located on land which must be filled or drained or on land created by diverting a watercourse, except the Board may grant approval if a central sewage collection treatment system is provided. The Board may not approve any part of a subdivision located on filled tidal wetlands or filled or drained Great Ponds.

(4) Employs a septic sewage disposal system and is located on soils rated "poor" or "very poor" by the Soil Suitability Guide for Land Use Planning in Maine. Lots used for on-site sewage disposal shall meet or exceed the lot size guidelines for soil types and slopes as specified in Appendix I of "State of Maine Plumbing Code, Part II, Private Sewerage Disposal Regulations", April 1975, or as amended.

J. Pollution.

(1) Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies.

(2) Any proposed subdivision within the Wellhead Protection Zones I or II are subject to the restrictions in the Wellhead Protection Section of the Zoning Ordinance.

(3) Any proposed subdivision shall not result in undue air pollution.

K. Soil Erosion and Sedimentation control.

(1) The proposed subdivision shall prevent soil erosion from entering any water body, wetlands, and adjacent properties.

(2) An Erosion and Sedimentation Control Plan shall be implemented during the site preparation, construction, and cleanup stages.

(3) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

(4) The Board may require the preparation and implementation of a Sedimentation and Erosion Control Plan to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, shall not unduly impact neighboring properties or surface waters. Such a plan, if required, shall be prepared by a Registered Maine Engineer. in accordance with the standards contained in the latest revised edition of the Environmental Quality Handbook published by the U. S. Soil Conservation Service for construction and for permanent control or equivalent reference.

L. Fire Protection Facilities. To assist the Board in determining the adequacy of fire protection facilities the applicant shall consult with the Winter Harbor Fire Chief. Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Board and Fire Department. Standards for fire protection include the following:

(1) Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.

(2) A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not served by a public water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. The Board may require additional storage capacity upon a recommendation from the Fire Chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.

(3) Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six (6) inches.

(4) Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the municipality shall be provided to allow access. A suitable access way to the hydrant or other water source shall be constructed.

M. Natural and Scenic Features. Due regard shall be given to the preservation, protection and enhancement of existing natural features, including: brooks, streams, water bodies, ground water resources and wetlands, important forest resources, aesthetic resources and scenic vistas, significant wildlife habitat; and other natural resource assets of a community nature. In granting subdivision approval, the Board may:

(1) Restrict irregular or elongated lots.

(2) Establish or limit the building site(s) or other improvements to avoid the parcelization, isolation, or destruction of natural features.

(3) Require setbacks from property boundaries or identified natural features greater than specified in the Zoning Ordinance in order to create buffer zones and prevent degradation to significant natural features.

(4) Establish preserve areas where development is restricted or prohibited and specific land management techniques are employed to protect or enhance significant natural features.

(5) Require that the plan shall, by notes on the Final Plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

(6) Require that the subdivision be designed to minimize the visibility of buildings from existing public roads, except in areas of the municipality designated by the Comprehensive Plan as growth areas.

(7) Require a landscape plan that illustrates the preservation of existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.

N. Prominent Ridgelines and Hillsides.

(1) Identification/Designation of Prominent Ridgelines and Hillsides. In reviewing subdivision proposals, the Board shall determine whether the subject property is characterized by steep slopes, significant exposure and/or visibility, or serves as the background for important scenic views. In making such a determination, the Board may consider appropriate resource materials, including but not limited to topographic maps, scenic resource inventories, and other relevant information.

(2) Protect Unique Environmental Character. The subdivision will protect the unique visual and environmental character of those areas defined by steep slopes, prominent knolls and ridgelines and significant focal points. Such areas will be retained in a natural state and development will be sited in a manner that does not interrupt or modify natural contour lines and does not create a silhouette against the skyline or mountain backdrop as viewed from important vantage points and principle highways, designated scenic roads, public properties or boating activities.

(3) Building Site Limitations. In reviewing proposed building sites, the Board shall require the following:

(a) No approved building site will result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the lowest elevation of the identified ridgeline.

(b) No approved building site, by serving as a competing focal point, will detract from existing natural or cultural focal points in the vicinity that are critical to the overall visual quality of the landscape.

(c) No approved building site will inordinately detract from the sense of order or harmony of the landscape formed by the ridgeline or hillside by appearing out of character with its natural surroundings.

O. Retention of Open Spaces and Historic Features.

(1) Greenbelts. If any portion of the subdivision is located within an area designated by the Comprehensive Plan as open space or greenbelt, that portion shall be reserved for open space preservation.

(2) Unique Natural Area. If any portion of the subdivision is located within an area designated as a Unique Natural Area by the Comprehensive Plan or the Maine Exemplary Natural Community Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

(3) Historic Site. If any portion of the subdivision is designated a site of historic or prehistoric importance by the Comprehensive Plan or the Maine Historic Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.

(4) Recreational Space. The applicant is encouraged to reserve sufficient undeveloped land to provide for the recreational needs of the residents. The percentage of open space to be reserved depends on the identified needs for outdoor recreation in the portion of the municipality in which the subdivision is located according to the Comprehensive Plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics. Land reserved for open space purposes will be of a character, configuration and location suitable for the particular use intended.

P. Open Space and Cluster Development.

(1) Required community open space. The Board may, in major subdivisions having lots or potential dwelling sites for four (4) or more family dwelling units, and for all Planned Residential Developments (PRDs), require that the subdivision plat designate one (1) or more areas of character, size, shape and location suitable to be used as open space, park or playground.

(2) Open space shown on Comprehensive Plan. Where a proposed park, playground, or other open space is shown on the municipal plan to be located in whole or in part in a proposed subdivision, the Board shall require substantial compliance with such plan. As condition of approval of the subdivision plat, the Board may require that an area not exceeding fifteen (15) percent of the total area of the subdivision shall be set aside for open space.

(3) Objectives of open space design. Whether or not land to be subdivided includes open space shown on the Comprehensive Plan, the following objectives shall be used to guide the design and locations of open space:

(a) Conservation and improvement of natural features and green areas, including areas along roads, the banks of streams, open meadows and ridge tops.

(b) Retention of fish and wildlife refuge areas and nature observation areas, protection of the quality of water bodies.

(c) Protection of natural drainage ways and floodwater retention areas.

(d) Provision, in appropriate areas of population concentration, of areas of land for active recreation use.

(4) Designation of Open Space. Unless otherwise provided by the Board, applications for the creation of four (4) or more lots and all PRDs and PUDs shall designate an area for open space on the preliminary layout. The applicant is encouraged to seek guidance from the Board during a pre-application meeting prior to the designation of open space. The Board or staff will advise the applicant regarding the special features to be so designated, as well as an indication of the appropriate protection measures for the perpetual maintenance of open space.

(5) Adequate controls. The Final Plan must contain a provision for permanence of open space use in areas so designated, through public access right-of-way, conservation easement or other suitable type of agreement.

(6) Abutting an existing public space. When a property line of a subdivision abuts an existing public or community open space, the Board may require the new community open space to form a continuation of the existing open space to provide a single large unified area.

(7) Access to community open space. To provide for maintenance and authorized access, community open space shall abut or have direct access to a street through a right-of-way dedicated to such purpose. Such right-of-way shall be not less than twenty (20) feet wide and shall be graded in a manner suitable for traffic of pedestrians and maintenance vehicles.

(8) Development of open space. Land to be used as public open space shall be left in condition for the purpose intended. The existing natural characteristics of open space land shall not be altered from its original condition, until a site plan has been approved by the Board.

(9) Open Space Waiver. An applicant may request a waiver from the open space requirement in instances where a proposed subdivision is poorly suited for open space design because of unique characteristics of the land or other constraints related to site conditions and if the standard is not required by other ordinance. Such a request shall be submitted to the Board, in writing, together with the application for preliminary layout approval. The request for a waiver shall describe the rationale for not incorporating open space into the subdivision design and shall explain how the proposed layout achieves other standards set forth in these regulations. The Board will determine whether a waiver is warranted and notify the applicant concurrent with the Board's decision to approve, approve with conditions or disapprove the preliminary layout application.

Q. Storm Water Management.

(1) Management Plan. The applicant shall submit a plan for the management of storm water generated by the proposed subdivision. Any storm water management plan required under this section shall be evaluated on the USDA NRCS TR20 Hydrologic Model, or the equivalent. Management plans shall be required for all projects within the expanded sewer district. The management plan shall include measures to ensure that no increase in the rate of storm water runoff is generated beyond the boundaries of the project and that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters. Plans for handling storm water runoff shall utilize the best available technology to minimize off-site storm water runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and swales.

(2) Storm Water Management Design Guidelines.

(a) The best management practices shall be substantially equivalent to those described in the *Storm Water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995.

(b) Any subdivision that is traversed by a natural water course, drainage way, channel, or stream requires a storm water easement or drainage right-of-way conforming substantially with the lines of the water course. The construction will assure that no flooding occurs. All natural storm water drainage systems will be not less than thirty (30) feet in width conforming substantially to the lines of existing natural drainage.

(c) The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

(d) Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.

(3) Storm Drainage Construction Standards.

Materials.

(a) Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street under drains. Bituminous-coated steel pipes shall not be used.

ii. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinylchloride (PVC) pipe, and corrugated aluminum alloy pipe.

(b)Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used. Pipe Gauges:
Metallic storm drainage pipe shall meet the thickness requirements of Table X.F.1, depending on pipe diameter:
Table X.F.1. Culvert Size and Thicknesses:
Material
Galvanized CMP
Aluminum/Zinc Coated CMP Aluminum Coated CMP

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

(c)Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.

(d) Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

R. Traffic Conditions.

(1) General traffic provisions required of all subdivisions. The Final Plan will include provisions for vehicular access to the subdivision and circulation within the subdivision in order to:

(a) Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision.

(b) Avoid traffic congestion on any street; and provide safe and convenient circulation on public streets and within the subdivision.

(2) Required traffic provisions for all major subdivisions.

(a) The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion.

(b) Provisions shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways and traffic controls within existing public streets.

(c) Access ways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet the anticipated demand.

(d) Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the municipality designated as growth areas in the Comprehensive Plan, or in non-residential subdivisions when such access shall be provided if it will facilitate fire protection services (as approved by the Fire Chief) or enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.

(e) Street Names, Signs and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality. The developer shall install street names and traffic safety control signs meeting municipal specifications.

(f) Cleanup. Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

(3) Board may employ a Traffic Specialist. Traffic generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways. To satisfy this standard, the Board may employ a specialist to prepare a Traffic Impact Study to address all concerns relative to traffic impact and safety.

(4) Pedestrian Access. The Board may require a right-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses. Access to and across existing trails, shall be preserved. In areas designated on the Comprehensive Plan as Downtown District or where the Board finds highway traffic conditions to be specifically hazardous to pedestrians, the Board may require rights-of-way or sidewalks for pedestrian travel and access between subdivisions or their parts, such as a school or park or playground. The Board may require the construction of walks in such right-of-way or of sidewalks along streets where it deems it desirable in the interests of public safety and convenience.

S. Road Standards.

(1) Road Layout. All proposed roads shall be designed to ensure the safe and efficient movement of vehicles. Roads shall be logically related to topography so as to produce usable lots and reasonable road grades and shall be in harmony with existing and proposed public highways. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right-of-way across the applicant's property may be required, provided just compensation is approved by the Legislative Body.

(2) Dead-End Roads. Permanent dead-end roads shall terminate in a turnaround not less than one hundred (100) feet in diameter, with a roadway not less than eighty (80) feet in outside diameter, in a "T" having forty-foot arms measured from each shoulder edge of the road, or in other types of turnarounds suitable to the topography as approved by the Board.

(3) Intersection Design. Roads shall intersect so that within seventy-five (75) feet of the intersection the street lines are at right angles, and the grade does not exceed plus or minus two (2) percent. No structure or planting shall impair corner visibility at intersections.

(4) Access Roads and Driveways. Parcels of land to be subdivided, which are located on state or town highways shall have no more than one (1) access road or driveway for the first one thousand (1,000) feet or fraction thereof, of frontage on such state highway and one (1) additional access road or driveway for each additional six hundred (600) feet or fraction thereof of such frontage.

(5) State approval required. Maine Department of Transportation will approve access in the case of state highways and the Board of Selectmen in the case of town roads. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway. Lots of other land development located on a subdivision and which abut a state highway or local road shall have access only from interior access roads within such subdivision or from a frontage street adjacent to or near the state highway or local road or from said driveways.

(6) Public Road Standards. All proposed roads intended for consideration for acceptance as Town roads shall be built in conformance with the Maine Department of Transportation standards. Acceptance of a private road by the Town is subject to the Legislative body at Annual Town Meeting. Construction of a road(s) to these standards does not insure such acceptance.

(7) Private Road Standards. All roads intended to remain as private roads shall be constructed in conformance with the Maine Department of Transportation standards. The Board may modify these standards if the applicant can document that the road, as designed, is readily accessible to emergency response vehicles, is in compliance with other applicable standards and will not pose a threat to public health and safety.

(8) Designation of Rights-of-Way. Every subdivision plat shall show the necessary right-of-way for all proposed roads, regardless of whether the proposed road is intended to be accepted by the Town. In the event the road is not intended for acceptance by the Town, the mechanism with which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented on the Final Plan and in the Association By-laws. In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet the minimum standards established in this Article.

(9) Road does not conform. The Board will disapprove any subdivision roadway that does not conform to the minimum requirements.

(10) Scenic Corridor and Scenic Roads. As a condition to approval of any subdivision plat, the Board may require that any existing street or any town highway, within or bordering such subdivision be designated on such plat as a scenic corridor or scenic road.

(11) Modification of Road Standards. The Board may require greater width of right-of-way where the demand of present or future traffic makes it desirable or where topographic conditions create a need for greater width for grading.

(I2) Capacity of Existing Roads. In situations where a subdivision may require realignment, widening or otherwise increasing the capacity of an existing road, or where the Comprehensive Plan indicates that such improvements may be required in the future, the subdivider may be required to reserve land for future improvements. The subdivider may also be required to fund any or all of the expenses involved with road improvements necessitated by the improvements.

T. Street Standards.

(1) Street Approval and Acceptance.

(a) The board shall not approve any subdivision plan unless the proposed streets are designed in accordance with the specifications contained in these regulations.

(b)Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.

(2) General Standards.

(a) Proposed streets shall conform, as far as practical, to the Comprehensive Plan prior to the submission of a Preliminary Plan.

(b) All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic.

(c) The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and to safety, and their relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography.

(d) In the case of dead-end streets, the Board may require the reservation of a twenty (20) foot wide easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.

(e) In front of areas designated for commercial use, or where a change to an area designated for commercial use is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case shall the street have a right-of-way width less than sixty (60) feet or have less than two twelve (12) foot travel lanes and two four (4) foot parking lanes.

(f) Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

(g) Where a subdivision borders an existing narrow road (below standards) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the applicant shall be required to show areas for widening or realigning such roads on the Final Plan, marked "Reserved for Road Realignment (or Widening) Proposed". It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not satisfy the setback or area requirements of the Zoning Ordinance.

(h) Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access to streets (streets parallel to arterial street providing access to adjacent lots), reverse frontage (frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(i) Subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map if such exists, or streets on an approved Subdivision Plan.

(3) Access Control. Curb cuts onto existing public ways shall be minimized to assure traffic safety and reduce turning movements. Whenever practical, vehicular access shall be through a street other than an existing public way. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

(4) Deed Restriction. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the Final Plan and as a deed restriction to the affected lots.

(5) Traffic Volume Estimate. Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the Trip Generation Manual, 1991 edition, published by the Institute of Transportation Engineers.

(a) Low Volume Access: An access with 50 vehicles trips per day or less.

(b) Medium Volume Access: Any access with more than 50 vehicle trips per day but less than 200 peak hour vehicle trips per day.

(c) High Volume Access: Peak hour volume of 200 vehicle trips or greater.

(6) Sight Distances. Accesses shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3½ feet, to the top of an object 4¼ feet above the pavement. The required sight distances are listed by road width and for various posted speed limits.

(a) Two Lane Roads: A minimum sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

(b) Vertical Alignment: Access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. The maximum grade over the entire length shall not exceed 8%.

(c) Low Volume Access.

(i) Skew Angle. Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

(ii) Curb Radius. The curb radius shall be between 10 feet and 15 feet, with a preferred radius of 15 feet.

(iii) Access Width. The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

(d) Medium Volume Access.

(i) Skew Angle. Medium volume accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

(ii) Curb Radius. Curb radii will vary depending if the access has one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one-way access, the curb radii shall be 30 feet for right turns into and out of the site, with a 5-foot radius on the opposite curb.

(iii) Access Width. On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.

(iv) Curb Cut Width. On a two-way access the curb cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

(e) High Volume Access.

(i) Skew Angle. High volume access shall intersect the road at an angle as nearly to 90 degrees as site conditions permit, but in no case less than 60 degrees.

(ii) Curb Radius. Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

(iii) Curb Cut Width. Without channelization, curb cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet. Entering and exiting accesses shall be separated by a raised median which shall be between 6 feet and 10 feet in width.

(iv) Medians. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet. Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

(v) Signage. Traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands. Access location and spacing shall be in accordance with the "Standards which Limit the Number of Driveways" in Appendix A of Access Management: Improving the Efficiency of Maine Arterials, Maine Department of Transportation, 1994.

(7) Sidewalks. Sidewalks shall be installed where the subdivision abuts or fronts onto a major street and at such locations as the Board may deem necessary.

(8) Construction Standards.

All streets in a subdivision shall be designed and constructed to meet the following minimum standards for streets according to their classification as determined by the Select Board and as overseen by the Municipal Road commissioner:

Minimum width	60' (includes right-of-way)
Minimum width of pavement	20'
Minimum Shoulder width (each side)	3'
Minimum grade	.5%
Maximum grade	6%
Maximum grade at intersection	3% within 50 ft. of intersection of intersection
Minimum angle of intersection	60 degrees
Minimum centerline radii on curves	200'
Minimum tangent length between reverse curves	200'
Road base (minimum)	18"
Road crown (minimum)	¼"/1 ft.
Bituminous paving	3"
Sidewalks width (minimum where required)	4'
Based course (gravel)	8"
Dead-end or cul-de-sac turnaround width	60'
Length, not more than	1,000'
Radii of turnaround at enclosed end of:	
Property line (minimum)	80'
Pavement (minimum)	65'
Property line radii at intersection	10' minimum
Curb radii at intersection:	
90 degree intersections	25'
Less than 90 degree intersections	30'

(9) Plantings.

(a) All esplanade or planting strip areas at sides of streets shall receive at least six (6) inches of compacted topsoil (loam) free of stones over one (1) inch in diameter, sod, and clay. Base material shall be removed prior to placement of topsoil.

(b) Planting strips will be seeded with a conservation mix endorsed by the Hancock County Soil and Water Conservation District.

(c) When required by the Planning Board, street trees shall be planted in the esplanade areas of all new streets and when a proposed subdivision street traverses open fields.

(d) Trees of the 1st magnitude (Birch, Beech, Linden, Oak, Pine, Sugar Maple, Basswood) shall be planted at forty to sixty (40-60) foot intervals.

(e) Trees of the 2nd magnitude (Hawthorne, Flowering Crabapple, etc.) may be planted at intervals of less than forty (40) feet.

(10) Additional requirements.

(a) Grades. All streets shall conform in general to the terrain and shall not be less than one-half (1/2) of one percent nor more than six (6) percent for all streets, but in no case more than three (3) percent within fifty (50) feet of any intersection. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of two hundred (200) feet.

(b) Intersections.

(i) Intersections of streets shall be at angles as close to ninety 90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees.

(ii) Where one street approaches another between sixty to ninety (60:90) degrees, the former street should be curved approaching the intersection.

(iii) Cross (four-cornered) street intersections or other important traffic intersections shall be avoided insofar as possible except as shown on the Comprehensive Plan. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.

(iv) Street lines at intersections shall be cut back to provide for curb radii of not less than twenty-five (25) feet for ninety (90) degree intersections and thirty (30) feet for intersections less than ninety (90) degrees.

(v) Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow twenty-five (25) foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

(vi) A dead-end street or cul-de-sac shall not exceed one thousand (1,000) feet in length and shall be provided to a suitable turnaround at the closed end. When a turning circle is used, it shall have a minimum outside curb radius of sixty-five (65) feet.

(vii) All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.

(viii) Side slopes shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed (six (6) inches compacted), and seeded as required.

(ix) Streets shall be rough graded to the full width of the right-of-way.

(x) Guard rails shall be installed in all fill areas of five (5) feet or more. Shoulders shall be constructed three (3) feet wider in those areas to accommodate the railing.

(xi) Street curbs and gutters shall be required on all streets defined as urban areas by the Maine State Department of Transportation and shall be required at the discretion of the Planning Board in rural areas.

(xii)Where curb and gutters are not required, stabilized shoulders and proper drainage shall be the responsibility of the applicant in compliance with the requirements herein.

(c) Mobile home parks. In addition to the minimum pavement width, all streets in a mobile home park shall have a cleared area (no vegetation or appurtenances over three feet high) of 40 feet within the right-of-way to provide for maneuvering of mobile homes.

U. Lots.

(1) General.

(a) The lot size, width, depth, shape and orientation and the minimum building setback lines from streets, sidelines, or boundaries shall be consistent with all state statutes and Town of Winter Harbor ordinances and for the type of development and use contemplated.

(b) Depth and width of properties reserved or laid out for any purpose shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.

(c) All lots shall have a minimum frontage of 100 feet on a public or private street abutting or within a subdivision unless stricter standards are required by other town ordinances.

(d) Side lot lines shall be substantially at right angles or radial to street lines.

(e) Where a tract is subdivided into lots substantially larger than the minimum size required herein, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these standards.

(f) All corners of individual lots shall be marked with iron stakes, granite or concrete markers.

(g) The greatest dimension of the lot shall not be more than five (5) times the shorter dimension.

(2) Building Area. The Board will determine that the proposed subdivision provides adequate building sites for each proposed lot. Such sites may be restricted to a specific building area, to be depicted on the plat, located and sized to ensure compliance with all of the provisions of these regulations.

(3) Screening and Landscaping. The Board may require the planting or preservation of trees or other vegetation to provide visual screening of development or to otherwise soften and/or lessen the impact of development on natural features and scenic vistas. Street trees along public or private roadways may also be required in order to establish a canopy effect where the Board deems it appropriate. The size, type, or location of such trees shall depend on the particular land parcel. Stripped topsoil shall not be removed from the subdivision area unless specifically approved by the Board.

(4) Noise pollution. The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least 20 feet wide between abutting endangered properties.

(5) Markings. Markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5: *Standards for the Practice of Land Surveying.*

(a) Permanent monuments shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections and points of curvature.

(b) Monuments shall be iron stakes with surveying caps, granite or concrete markers located in the ground at final grade level, and indicated on the Final Plan.

(c) All corners of individual lots shall be marked with iron stakes, granite or concrete markers.

(6) Forest Cover and Screening. The Board shall consider the existing vegetation on properties and may require that:

(a) Clearing and forest management within areas defined as ridgelines are restricted to protect the unbroken forested backdrop. Generally, forest management will be limited to practices which maintain a continuous canopy.

(b) On wooded sites, existing forest cover will be maintained adjacent to proposed building sites to interrupt the facade of buildings, provide a forested backdrop to buildings and/or soften the visual impact of new development from distant vantage points. The Board may also place limitations on the amount and location of clearing adjacent to house sites.

(c) On parcels characterized by meadows, or that have been cleared prior to subdivision, additional landscaping may be required immediately adjacent to proposed building sites to interrupt the facade of buildings, provide a forested backdrop to buildings and/or soften the visual impact of new development from distant vantage points.

(d) A plan for the maintenance of all existing and proposed trees be prepared and submitted for review. Such a plan shall address specific measures to be taken to ensure the survival, and if necessary replacement, of designated trees during and after the construction and/or installation of all site improvements

(7) Water Supply. Any lots within the Wellhead Protection Zones I or II are subject to the restrictions in the Wellhead Protection Section of the Zoning Ordinance.

V. Mobile Home Parks.

(1) Minimum Requirements. Mobile home park lots shall conform to the minimum requirements of municipal ordinances and shall meet the requirement of the subdivision law. A lot in a mobile home park shall meet the following lot size, width, and density requirements as follows:

(a) A mobile home lot served by public sewer: 8,000 square feet.

(b) A mobile home lot served by central on-site subsurface waste water disposal systems. Must meet both (a) and (b).

(a) 12,000 square feet per individual lot.

(b) The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one mobile home for every 20,000 square feet of total park area.

(c) A mobile home lot with on-site subsurface disposal: 20,000 square feet.

(2) Lots within Shoreland Zoning District. Lots within a Shoreland Zoning District shall meet the lot area, lot width, setback, and shore frontage requirements for that district.

W. Vegetative Buffer Strips. Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards that must be specified in recorded deed restrictions and as notes on the Final Plan. Where a vegetative buffer strip is to be owned in common by property owners in the subdivision, documentation establishing the Owners Association shall include the following standards:

(1) No Disturbance Wooded Buffers. Maintenance and use provisions for wooded buffer strips which are located on Hydrologic Soil Group "D" soils and within 250 feet of the great pond or a tributary, or which are located on slopes over 20% shall include the following:

(a) Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.

(b) All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.

(c) Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy are maintained.

(d) No cutting is allowed of trees except for normal maintenance of dead, windblown, or damaged trees.

(e) Buffers shall not be used for all-terrain vehicle or vehicular traffic.

(2) Limited Disturbance Wooded Buffers. Maintenance and use provisions for other buffer strips may include the following:

(a) There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained.

(b) Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.

(c) Removal of vegetation less than four foot in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.

(d) Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy are maintained.

(e) Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.

(f) Buffers shall not be used for all terrain vehicle or vehicular traffic.

(3) Non-wooded Buffers.

(a) Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.

(b) A buffer must maintain a dense, complete and vigorous cover of "non-lawn" vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.

(c) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning vegetation shall be prohibited.

(d) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

X. Sewage Disposal.

(1) The Final Plan shall include a private subsurface waste water disposal system(s) or a private treatment facility with surface discharge or indicate connections to the municipal sewer system. Test pits must be shown on the Final Plan.

(2) The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

(3) The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.

(4) 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.

(5) <u>No approval shall be granted</u> to a disposal area located on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

Y. Impact on the Municipality's Ability to Dispose of Solid Waste. If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

Z. Impact on Ground Water Quality or Quantity. (**Required for a Major Subdivision only).**

(1) Hydro-geologic Assessment. When a Hydro-geologic Assessment is submitted, the assessment shall contain at least the following information:

(a) A map showing the basic soils types.

(b) The depth to the water table at representative points throughout the subdivision.

(c) Drainage conditions throughout the subdivision.

(d) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

(e) An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.

(f) A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

(2) Ground water quality. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

(3) Ground Water Quantity. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation

(4) Contaminants. No subdivision shall increase any contaminant concentration in the ground water. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

(5) Surface Wastewater. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

AA. Phosphorus Loading.

(1) Phosphorus Impacts on Great Ponds. Any subdivision within the watershed of a great pond shall limit its post development phosphorus export to the current standards.
The Board shall keep an accurate record of permits issued and shall notify the Comprehensive Planning Committee of the actual development rates at five year intervals, or as the Comprehensive Plan is revised.

(2) Simplified Phosphorus Review. The simplified review may be used for:

(a) A proposed minor subdivision with less than 200 feet of new or upgraded street with a cumulated driveway length not to exceed 450 feet.

(b) A proposed minor subdivision with no new or upgraded streets with a cumulative driveway length not to exceed 950 feet.

(c) A proposed minor subdivision consisting of multifamily dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

(d) A proposed minor subdivision which creates lots which could be further divided resulting in four (4) or more lots shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

(3) Standard Phosphorus Review. **This section applies to all major subdivisions and those minor subdivisions which do not qualify for the simplified review**.

(a) Phosphorus export from a proposed development shall be calculated according to the procedures in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September 1992. When a proposed subdivision creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls to limit the resulting phosphorus loading.

(b) Maintenance and Use Restrictions for Phosphorus Control Measures. Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

(c) Infiltration Systems. Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September 1992. Requirements for maintenance shall be included in deed restrictions and as notes upon the plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, the Owners Association shall be responsible for the maintenance as referenced in the Association bylaws.

ARTICLE VI. ADMINISTRATIVE PROCEDURE FOR SUBDIVISION REVIEW

A. Board Meetings. In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal office. Subdivision applicants shall request to be placed on the Board's agenda at least 14 days in advance of a regularly scheduled meeting by contacting the Chairperson or Town Manager. Subdivision applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only by a majority of the Board. The Board shall take no action on any application not appearing on the written agenda.

B. Pre-application Meeting, Sketch Plan and Site Inspection

(1) Purpose. The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering.

(2) Procedure.

(a) The applicant shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.

(b) Following the applicant's presentation, the Board may ask questions and make recommendations to be incorporated by the applicant into the application.

(c) The date of the on-site inspection is selected.

(d) The Pre-application Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan does not have to be engineered and may be a freehand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. Site conditions such as steep slopes, wet areas and vegetative cover will be identified in a general manner. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:

(i) 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 ten acres in size.

(ii) A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

(iii). For subdivisions of ten units or more in the Rural or Residential Districts, as defined by Winter Harbor's Zoning Ordinance, a sketch showing how the subdivision could be developed as a cluster and as a conventional subdivision.

(3) Contour Interval and On-Site Inspection. Within thirty (30) days of the pre-application meeting, the Board shall hold a public on-site inspection of the property and inform *both* the applicant in writing of the required contour interval on the Preliminary Plan and post a public meeting notice. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

(4) Rights not vested. The pre-application meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., 302.

(5) Establishment of a file. Following the pre-application meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.

ARTICLE VII. SUBMISSION OF DOCUMENTS AND REVIEW SCHEDULE

A. Application.

(1) Submission. Within six months after the on-site inspection by the board, the applicant shall submit an application for subdivision approval at least fourteen (14) days prior to a scheduled meeting of the board. Applications shall be submitted by mail or delivered by hand to the Town Office who shall forward it immediately to the Chairperson of the Planning Board who shall issue to the applicant a dated receipt. Failure to submit an application within six months 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.

(2) Fees.

(a) Non-refundable Subdivision Permit Application Fee. Every application for a minor subdivision permit shall be accompanied by an application fee of fifty dollars ($50) to be paid by a check made payable to the Town of Winter Harbor. Every application for a major subdivision permit shall be accompanied by an application fee of five hundred dollars ($500) to be paid by a check made payable to the Town of Winter Harbor.

(b) Subdivision Non-Interest Bearing Escrow Account Deposit. Every application for a subdivision permit shall also be accompanied by the payment of one hundred dollars ($100) for each acre or fraction of an acre. Measurement will be based upon the Municipal Tax Map or boundary survey, whichever is more current. The checks shall be made payable to the Town of Winter Harbor stating the purpose of the deposit. The Town Treasurer shall deposit the monies in a Non-Interest Bearing Escrow Account separate from any and all other municipal accounts. The account will be used to defer costs directly related to the efforts of the Planning Board and Municipal Officers to assure that the subdivision complies with these regulations, 30-A MRSA, Section 4404 as amended, and the ordinances of the Town of Winter Harbor. Such services may include, but are not limited to; clerical costs, consulting engineering fees, attorney fees, recording fees, and appraisal fees. The Town Treasurer will provide an account of the Subdivision Non-interest Bearing Escrow Account to the applicant upon request.

(c) Refunds. If an applicant withdraws the subdivision application within 30 days of initial application date, the Town shall refund all remaining monies in the Subdivision Non-Interest Bearing Escrow Account. Upon a written request from the applicant the Town Treasurer shall refund all of the remaining monies in the account after payment of all costs and services related to the subdivision and upon the subdivision application denial or if approved, upon the subdivision's completion and compliance with all the terms of these regulations, ordinances of the Town of Winter Harbor and conditions of approval of the subdivision. The refund shall be accompanied by a final accounting by the Town Treasurer.

(3) Notification to Applicant. Within thirty (30) days from the date of application receipt, the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to make a complete application. Note: Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the criteria of 30-A MRSA, Section 4404 as amended, or the Winter Harbor Ordinance. The Planning Board shall make a determination as to the completeness of the application only once. The application is deemed "pending" after the Board determines that the application is complete so that it may commence its review of the project. The applicant assumes all risks as to its completeness for all subsequent applications.

(4) Notification to Abutters and Others Required. Upon receiving an application, the Planning Board shall notify in writing all abutting property owners and other property owners within five hundred (500*)* feet of the boundaries of the proposed subdivision, the Town Clerk and the reviewing authority of municipalities that abut or include any portion of the proposed subdivision. The Board will notify the Winter Harbor Select Board, Fire Chief, Code Enforcement Officer, Superintendent of Schools, local newspapers and other parties as necessary. The notice shall specify the location of the proposed subdivision and shall include a general description and site location map of the project.

(5) Public Hearing Required. Within thirty (30) days of the notice of the receipt of the complete application, the Planning Board will determine when it will hold a public hearing on an application. The Board shall consider the size and type of subdivision, community impact, as well as written requests for input to the public hearing. The Board shall post the date, time and place of the hearing and provide the details to the applicant and all parties receiving the notice of proposed subdivision.

(6) Requests for Additional Information. Prior to its final decision, the Planning Board may require the applicant to submit the written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents regarding the land to be offered for conveyance to the Town. Such written evidence <u>shall not constitute an acceptance by the Municipality</u> of any public open space or other land.

(7) Decision. The Planning Board shall, within thirty (30) days of a public hearing or within such other time limits as may be otherwise mutually agreed to between the applicant and the Planning Board, issue an order denying or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria in Article II and other parts of this Ordinance, and other requirements of the ordinances and Comprehensive Plan of the Town of Winter Harbor. The Board may however, extend this decision for thirty (30) days in order to obtain an outside expert opinion or other circumstance as required.

(8) Written Findings of Fact. In issuing its decision, the Planning Board shall make written findings of fact within ten (10) days, establishing that the proposed subdivision does or does not meet the criteria of 30-A M.R.S.A., Section 4404 (Review Criteria), the ordinances and Comprehensive Plan of the Town of Winter Harbor. In all instances, the burden of proof, persuasion and production of documents and data shall be upon the applicant. If the initial approval or any subsequent amendment of the subdivision is based in part on the granting of a variance from a subdivision standard, that fact must be expressly noted on the face of the Final Plan to be recorded (30-A M.R.S.A., Section 4406, Subsection 1, Paragraph B.)

B. Required Documents. The applicant and all other parties shall submit seven (7) copies of all documents, maps and other written or printed material.

(1) Location Map. Location Map to be drawn at a scale of not over four hundred (400) feet to the inch to show the relationship of the proposed subdivision to the adjacent properties and to the general surrounding area and which shall show at least all the area within two thousand (2,000) feet of any property line of the proposed subdivision. The Location Map shall show: (a) The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the maps and other documents.

(b) Date, magnetic north point, graphic scale and grid points.

(c) All existing and proposed approximate property lines together with the names and mailing addresses of all owners of land on record for any property within one thousand (1000) feet of the boundaries of the proposed subdivision.

(d) Locations, widths, and names of existing filed or proposed streets, easements, and rights-of-way.

(e) The boundaries and designations of zoning districts and parks or other public lands.

(f) The location and property lines of all land to which the applicant has any title, right or interest in addition to the proposed subdivision, an indication of the future probable street system of the applicant's entire holding, gravel pits and other existing excavations, and the sites of any future sources of gravel or fill.

(g) The location of all surface water bodies, fresh water wetlands regardless of size, coastal wetlands, rivers, streams, brooks, natural drainage ways and culverts within or abutting the subdivision, which shall be identified with arrows indicating direction of flow; wooded and open space areas; registered farm lands, and existing buildings, utility lines, hydrants, fire ponds and dry hydrants, water and sewer lines. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

(h) The location of sensitive areas including identified gravel and bedrock groundwater aquifers and recharge areas; the watershed boundaries of potable water supplies; the one hundred year floodplain as identified by the U.S. Department of Housing and Urban Development Flood Plain Insurance Program; slopes greater than fifteen (15) percent; highly erodible soils; non-discharge soils as defined by the State Plumbing Code; fragile or irreplaceable natural areas; historic and archaeological sites; areas of scenic and natural beauty; areas of significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the municipality.

(2) Final Plan. The Final Plan shall be submitted in maps, drawings, overlays, or other documents with all dimensions shown in feet or decimals of a foot, drawn to a scale of one inch equals not more than one hundred (100) feet showing or accompanied by the following information:

(a) Proposed subdivision name or identifying title and the name of the municipality plus the assessor's map and lot numbers.

(b) Name and address of record owner of the subdivision and the applicant if different.

(c) Name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan and date the plan was prepared.

(d) Number of acres within the proposed subdivision, date, magnetic north point, grid points and graphic scale.

(e) Contour map of the subdivision drawn with contour lines at intervals of not more than twenty (20) feet based on the United States Geological Survey datum or other data of existing grades.

(f) Proposed lot lines with approximate dimensions and locations of buildings.

(g) Location of the lot survey corner markers adequate to enable the Board to locate readily and evaluate the basic layout in the field.

(h) All parcels of land proposed to be dedicated to public use or to be commonly owned by the purchasers of land in the subdivision and the conditions of such dedication.

(i) Names and addresses of all owners of land on record for any property within 1,000 feet of subdivision boundaries.

(j) Location of existing buildings; natural features including ponds, streams, rivers, natural drainage ways within or abutting the subdivision; coastal wetlands; freshwater wetlands regardless of size; wooded and open space areas; ledges; rock outcroppings and gravel pits; other existing excavations and the sites of any future sources of gravel or fill within the subdivision.

(k) Location of sensitive areas including identified gravel and bedrock aquifers and recharge areas; the watershed boundaries of potable water supplies; the one hundred year flood plain as identified by the U.S. Department of Housing and Urban Development Flood Insurance Program; slopes greater than fifteen (15) percent; highly erodible soils; non-discharge soils as defined by the State Plumbing Code; fragile or irreplaceable natural areas; historic and archaeological sites; areas of scenic or natural beauty; and areas of significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife, the municipality, or the Comprehensive Plan.

(l) Soils report and high intensity soils survey prepared and signed by a soils scientist, identifying the soils names and soils boundaries in the proposed development. There shall be at least one soil test per lot.

(m) Location, names and widths, and ownership of existing and proposed streets, highways, easements and rights-of-way, including grades and street profiles of all streets or other public ways proposed by the applicant.

(n) Location and size of any existing water lines, sewer lines, utility lines, hydrants, fire ponds, culverts and drains on the property to be subdivided.

(o) Location of all proposed on-site sewage disposal systems and/or proposed sewer lines, their profile and all easements for the necessary systems.

(p) Location of all proposed water lines, wells, reservoirs or other facilities.

(q) Provisions for collecting and treating storm drainage waters in the form of a Drainage Plan prepared by a State of Maine 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, which includes all proposed facilities, such as culverts, catch basins, and detention or infiltration basins.

(r) Indication of the sections of the subdivision and the dates of their phased construction, if the subdivision is to be constructed over a period of more than two years.

(s) A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and evidence that the applicant has financial commitments or resources to cover these costs. A separate list of construction and maintenance items that may be required by the development, with both capital and annual operating cost estimates, that may be financed by the municipality, which shall include, but not be limited to:

Schools, including busing
Road maintenance and snow removal
Police and fire protection
Solid waste disposal
Sewer system
Recreation facilities
Storm water management facilities

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

(u) The location and method of disposal from land clearing and demolition debris.

C. Supporting Documents.

(1) Proposed covenants, easements, restrictions. The Planning Board may request as a condition of approval and prior to its decision that the applicant submit for review and approval copies of all proposed deeds; leases; restrictive covenants; easements; landowner association agreements and corporate papers; contracts; any documents, existing or proposed, which may determine or affect the land and the uses of the land in the subdivision; deeds to commonly held land; deeds and covenants to land to be held by the applicant; deeds offering to convey land to the Town of Winter Harbor, or its agencies; or to the State of Maine, its agencies or departments; or to Hancock County or any other public body; or to any private organization or corporation.

(2) Adequate Financial and Technical Capacity. Evidence must be provided showing that the applicant has adequate financial and technical capacity to meet the requirements of 30-A MRSA, Section 4404 as amended, and the Town of Winter Harbor ordinances and Comprehensive Plan. The applicant shall also provide evidence of financial and technical capability for the adequate operation and maintenance of all private multiple system waste disposal and storm drainage facilities. The applicant may submit any additional plans, maps, documents, evidence, or data that he/she may consider relevant to the application. In making its determination, the Board may hire consulting engineers or other technical experts.

(3) Guarantee, Security, or Performance Bond. The Board may require as a condition of approval that the applicant file with the Board at the time of approval and prior to any construction a performance guarantee in an amount sufficient to defray all expenses of the proposed improvements taking into account the time span of the construction schedule and the inflation rate for construction costs, including but not limited to streets, sidewalks, utilities, storm drains, landscaping, and publicly held open space. The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, construction delays provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction. The conditions and amount of the performance guarantee shall be determined by the Board with the advice of a municipal engineer, road builder, municipal officers, and/or municipal attorney. The Board will accept one or more of the following forms of guarantees:

(A) A performance bond payable to the Municipality issued by a surety company, approved by the Municipal Officers. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought and stay in effect over the life of the project.

(B) An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the Municipal Officers. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

(C) A conditional agreement recorded at the Registry of Deeds that limit the number of units built or lots sold until all required improvements have been constructed.

D. Final Approval and Filing.

(1) Majority Board vote required. Upon completion of the requirements of this Ordinance, documentation through a written Findings of Fact and with an approved vote by the majority of the Planning Board members present, but no less than a quorum of three (3) members, and a notation to that effect upon the Final Plan, the Subdivision Plan shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board.

(2) Signature Block Required. The Board Chairperson will sign the approved Plan as follows:

Approved: Town of Winter Harbor Planning Board

Signed Chairperson

Date _____

Conditions _____

(2) Filing of Plan Required. Any subdivision Final Plan not recorded with the Hancock County Registry of Deeds by the applicant within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board shall become null and void. If the approval is based upon the granting of a variance from a subdivision standard, that fact must be noted on the Plan and the variance is not valid unless it is recorded within 90 days of subdivision approval. State statute requires a notation on the Final Plan if subdivision is exempt from the Maine Subdivision Law (30-A M.R.S.A. 4401, et seq).

(3) Phased Development, **Revision and Amendments**. At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure ~~the~~ orderly development. The applicant may file a section of the approved Plan with the Municipal Officers and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, approval of the remaining sections of the Plan shall remain in effect for three (3) years or a period of time mutually agreed to by the Municipal Officers, Planning Board and the applicant. 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 Planning Board shall make findings of fact establishing that the proposed revisions do or do not meet the required criteria.

(4) Ownership Transferable. The approved Final Plan is transferable to another party provided the prospective owner provides the documentation necessary to meet the conditions of adequate financial and technical capacity in Article VII (C) (2) and the guarantee, security or performance bond Article VII (C) (3), and receives approval of the Planning Board.

E. Appeals. The Planning Board is designated the Municipal Review Authority for all subdivisions. An appeal from a decision of the Planning Board must be submitted to the Winter Harbor Board of Appeals within thirty (30) days of the decision. Within thirty (30) days of receipt of an application for an administrative appeal, the Board of Appeals shall conduct a hearing which, in the case of appeals of subdivision decisions, shall be purely appellate and shall not be de novo.

F. Plan Revisions After Approval.

(1) Changes. No changes, erasures, modifications, or revisions shall be made in any Plan after approval has been given by the Planning Board and endorsed in writing on the Final Plan, unless the Plan is first resubmitted and the Planning Board approves any modifications. This notation must be included on the recorded Final Plan. This restriction includes all amendments to the subdivision project. In the event that a Plan is recorded without complying with this requirement, the same shall be considered null and void.

(2) Plat Superseded. 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 indicate on the index for the original plat or plan that it has been superseded by another plat or plan and shall reference the book and page or cabinet and sheet on which the new plat or plan is recorded. In addition, the register shall insure that the book and page or cabinet and sheet on which the original plat or plan is recorded are referenced on the new plat or plan.

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

(4) Release of Guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

(5) Default or Violation. If upon inspection, the municipal engineer or other qualified individual retained by the Board and paid for by the applicant's Non-Interest Bearing Escrow Account finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he/she shall report in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the applicant or builder. If the applicant does not respond appropriately to a notice of violation issued by the Code Enforcement Officer, the Municipal Officers are authorized to take enforcement action including prosecution by the Municipal Attorney.

(6) Extension. The Board may recommend a maximum extension of 12 months to the guaranteed performance period when the applicant can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. An additional extension of 12 months may be granted at the planning board's discretion for good cause, provided that at least 30 percent of the development is complete.

(7) Certification of Compliance. No parcel, lot or structure shall be conveyed, leased, occupied, or offered for sale, conveyance, lease or occupancy without certification from the Planning Board that the applicant has complied with all the terms of the subdivision's approval. This certificate may be issued for the various phases of completion.

ARTICLE VIII. INSPECTIONS, VIOLATIONS, ENFORCEMENT

A. Inspection of Required Improvements. At least five(5) business days prior to commencing construction of required improvements, the applicant or builder shall notify the Code Enforcement Officer in writing of the date to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

B. Required Improvements Not Completed. If the inspecting official finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the applicant, he\she shall so report in writing to the municipal officers, Board, and the applicant and builder. The Municipal Officers shall take the necessary steps to ensure compliance with the approved plan.

C. Modification of Required Improvements. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of 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 Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the applicant shall obtain permission from the Board to modify the plans.

D. Inspection at End of Construction Season. At the close of each summer construction season the Town shall, at the expense of the applicant, 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. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Survey Required. Prior to the sale of any lot, the applicant shall provide the Board with a letter from a Registered Land Surveyor, stating that all markers shown on the plan have been installed.

F. Certification by a Professional Engineer Required. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. 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. “As built” plans shall be submitted to the Municipal Officers.

G. Utility Services Permits Required. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot or dwelling unit in a subdivision for which a Final Plan has not been approved by the Planning Board. Written authorization attesting to the validity and currency of all permits is required. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

H. Maintenance Required. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot Owners Association.

I. Filing Non-Approved Final Plan Prohibited. No subdivision Final Plan shall be filed or recorded in the Registry of Deeds until it has been approved by the Planning Board in accordance with all of the requirements, design standards, and construction specifications set forth in this Ordinance.

J. Time Limit for Initiation and Completion. Any subdivision Final Plan filed with the Hancock County Register of Deeds that is not initiated within two (2) years after approval by the Planning Board shall become null and void. Except in the case of a Phased Development Plan, failure to complete construction of the subdivision within five (5) years of the date of approval and signing of the Final Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

K. Sale Prior to Approval Prohibited. No person, firm, corporation or other legal entity may sell, lease, develop, build upon, convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds. Any person, firm, corporation or other legal entity who sells, leases, develops, builds upon, or conveys for consideration any land or dwelling unit in a subdivision which has not been approved as required by this section shall be penalized in accordance with Maine Statute. The Attorney General or municipal officers may institute proceedings to enjoin the violation of this section.

L. Unauthorized Changes Prohibited. Any person who, after receiving approval from the Planning Board and recording the Final Plan at the Registry of Deeds, constructs or develops the subdivision, or transfers any lot, in a manner other than depicted on the approved Final Plan or amendments shall be penalized in accordance with Maine Statute.

M. Municipal Remedies. Any person or entity that violates the regulations outlined in this Ordinance may be liable to penalties as provided in 30-A M.R.S.A. Section 4452.

Town Clerk of Winter Harbor

N. Record of Amendments.

(1) Original Ordinance adopted at a Special Town Meeting 14 December, 1981
(2) Section 12-218 (Sewer System) adopted 21 May, 1990
(3) Section 12-221 (Waiver) adopted 12 December, 2002.
(4) Updated Ordinance adopted at a Special Town Meeting 14 December, 2004