

SUBDIVISION ORDINANCE

Town of Georgetown, Maine

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SECTION I: GENERAL PROVISIONS

- 1.1 Purpose: The purpose of this Ordinance is to assure the comfort, health, safety, and general welfare of the people of Georgetown, to protect the environment, to provide for the orderly development of a sound and stable community, and to provide uniform procedures for Town review of subdivisions.
- 1.2 Authority and Title: This Ordinance is adopted pursuant to and consistent with 30-A M.R.S.A. Chapter 187, Subchapter 4 and shall be known as the Subdivision Ordinance for the Town of Georgetown.
- 1.3 Administration: The Georgetown Planning Board shall administer this Ordinance.
- 1.4 Applicability: The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions located, or partially located in the Town of Georgetown.
- 1.5 Definition: Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.
Note: Leased dwelling units are not exempt from the Georgetown Subdivision Ordinance.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

- (1) Both dividing's are accomplished by a subdivider who has retained one of the lots for the sub divider's own use as a single-family residence that has been the sub divider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or
- (2) The division of the tract or parcel is otherwise exempt under this Ordinance.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that

tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. If a parcel is subdivided into three or more lots, all greater than 40 acres, that division is not considered a subdivision, so long as the parcel being divided is located entirely outside of any shoreland area under state law or Town Ordinance.

D. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

E. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

F. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance

G. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the real estate.

H. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

I. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this Ordinance.

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

K. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

L. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

- 1.6 Enforcement: No person, firm, corporation, or other legal entity may sell, lease, develop, build upon, or convey for consideration any land in a subdivision that has not been approved by the Planning Board and recorded in the Registry of Deeds; nor shall such person, firm, corporation, or other legal entity sell or convey any land in such approved subdivision unless a permanent marker is set at each lot corner of the lot sold or conveyed. The term "permanent marker" includes but is not limited to the following: a granite monument, a concrete monument, an iron pin or pipe, or a drill hole in ledge. No subdivision plat or plan shall be recorded by any Register of Deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district, or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation, or other legal entity who violates this section shall be penalized in accordance with Title 30-A M.R.S.A. §4452, as amended, for each such occurrence. Alternately, the Select Board or their authorized agent may institute proceedings to enjoin the violations of this section. If the court finds a violation of this ordinance, the Town shall recover its attorneys' fee.

- 1.7 Validity: The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.
- 1.8 Conflict: In any case where a provision of this Ordinance is found to be in conflict with a provision of any federal or state law, or other Ordinance, regulation, or code of the Town of Georgetown, the authority that establishes the higher standard for the promotion and protection of health, safety, and the environment shall control.
- 1.9 Amendment: This Ordinance may be amended by a majority vote of the Town Meeting. A copy of all amendments shall be filed with the Town Clerk.
- 1.10 Effective Date: This Ordinance shall become effective on the date of adoption.

SECTION 2: REVIEW PROCEDURES

2.1 Introduction

No plan shall be approved by the Planning Board if the subdivider has been notified previously of a violation of a condition of approval of a previous subdivision, which violation has not been corrected as of the date of the pending application; or if the subdivider is currently in violation of this Section with respect to any other property.

To protect the interests of the Town, comply with the review requirements of 30-A M.R.S.A. Chapter 187, Subchapter 4 and provide timely responses to subdivision applications, the following review sequence has been established:

1. Informal pre-application meeting and submission of sketch plan;
2. Planning Board inspection of the site;
3. Submission of formal application and subdivision plan;
4. Planning Board review of application and determination of completeness;
5. Public Hearing, if required;
6. Planning Board decision;
7. Final approval and filing;
8. Inspection of required improvements.

2.2 Pre-Application Conference

- 2.2.1. Before submitting a subdivision application for approval, the subdivider or his agent shall appear before the Planning Board to discuss the proposed subdivision. A sketch plan shall be presented for informal review, and arrangements made for an inspection of the site with the Planning Board within a 30-day period from the date of the pre-application conference.
- 2.2.2. The sketch plan shall include a rough outline of the proposed subdivision showing the proposed layout of streets, lots, and other features which may be of assistance to the Board in understanding the proposal.
- 2.2.3. No binding commitments shall be made between the subdivider and the Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable.

2.3 Site Inspection

The Chairman of the Planning Board will appoint one or more individuals to inspect the site, accompanied by the subdivider, or his authorized representative. The purpose of this inspection is to more fully inform the Board of the characteristics of the site, and a subdivision application will not be accepted until the inspection has taken place. The applicant shall provide temporary markers adequate to enable the Board to readily locate and evaluate the basic layout in the field. Notice of the date, time, and place of such inspection shall be given to the subdivider, posted in three or more conspicuous public locations, to include at a minimum the Town Office, Post Office, and Transfer Station, filed with the Town Clerk, and published in a newspaper of general circulation in the Town at least seven days prior to the inspection.

2.4 Application Submission

- 2.4.1 The Planning Board shall provide the subdivider with an application form at the pre-application conference. The subdivider shall, within six months of the site inspection, submit an application to the Board. Failure to do so shall result in a restart of the application process.
- 2.4.2 Applications for subdivision permits shall be submitted at least seven days in advance of a regularly scheduled meeting of the Planning Board to the Town Clerk who shall issue to the applicant a dated receipt.
- 2.4.3 The application shall consist of the items outlined in Section 3. Specific application

requirements will vary according to the size and complexity of the subdivision proposal. The Planning Board may, at its discretion, modify the requirements if such action will not unreasonably restrict the Board's review of the application as it relates to 30-A M.R.S.A. Subsection 4404 and local ordinances.

- 2.4.4 Any survey or plan submitted must be signed and sealed by a professional land surveyor.
- 2.4.5 The subdivider and all other parties shall submit two hard copies and an electronic copy of all documents, including applications, maps, and other written or printed materials.
- 2.4.6 The subdivider shall submit an estimate for approval by the Planning Board and the Select Board. The estimate shall include, but is not limited to, the furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other public improvements. The estimate shall further include all overhead burden and profit of the Contractor performing the Work. The Town of Georgetown reserves the right to engage a third-party estimator, at the subdivider's expense, if the submitted estimate does not satisfy the needs of the Planning Board or the Select Board~~men~~. Upon approval of the estimate, the estimate shall be considered the Approved Estimate.

2.5 Fees

- 2.5.1 Application Fee: Every application for a subdivision or a revision to an existing subdivision shall be accompanied by an application fee of \$100.00 per lot for each lot appearing on the subdivision application which is proposed for approval, to be paid by check made payable to the Town of Georgetown.

All fees expended by the Town related to the processing of the application, including but not limited to posting fees, advertising fees, legal fees, etc. shall be reimbursed by the applicant by check to the Town of Georgetown.

2.5.2 Performance Guarantee

- 2.5.2.1 The Planning Board or the Select Board may require, as a condition of approval, that the subdivider 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 public improvements delineated in the Approved Estimate. This may be tendered in the form of a certified check payable to the Treasurer of Georgetown or an Irrevocable Letter of Credit running to the Town and issued by a Maine-based financial institution acceptable to the Town. The amount of such performance guarantee shall be for 150 percent of the Approved Estimate by the Selectmen. The amount shall be sufficient to ensure the furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified on the Final Plan within two years of the date of the certified check or Irrevocable Letter of Credit.
- 2.5.2.2 The Planning Board may recommend a maximum extension of twelve months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the Selectmen, good cause for such extension. Such recommendation shall be referred to the Selectmen for official action.

- 2.5.2.3 Before a subdivider may be released from any obligation requiring his guarantee of performance, the Planning Board shall require certification from appropriate Town officials and consultants, if any, to the effect that all improvements have been satisfactorily completed in accordance with all applicable local, state, and federal standards, codes, and laws.
- 2.5.2.4 The Board may, at its discretion, waive the requirements of a performance guarantee, and recommend a properly executed conditional agreement with the Town. Such agreement, if executed with the Town, shall be endorsed in writing and shall provide that no lot in such subdivision may be sold and no permit shall be issued for construction of any building on any lot on any street in such subdivision until all improvements agreed upon have been made.

2.6 Application Review

- 2.6.1 When an application is received, the Town Clerk shall give the applicant a dated receipt. The applicant shall notify the following by registered mail, return receipt required: the property owner, all abutting property owners; any municipality abutting the subdivision; and any public drinking water supplier if the subdivision is within its source water protection area. The notification shall include the location of the proposed subdivision and a general description of the project.
- 2.6.2 The Planning Board shall review the subdivision application and plan to determine if it provides sufficient information for a final Board decision on the subdivision application.
- 2.6.3 The Board shall notify the subdivider in writing within thirty days of receipt of the application either that the application is complete or, if the application is incomplete, the specific additional informational materials needed to make a complete application.
- 2.6.4 After the Planning Board has determined that the complete application has been filed, it shall notify by certified mail the subdivider and all abutting property owners, and in writing the Town Clerk, Selectmen, Road Commissioner, and the Code Enforcement Officer. The Board shall also publish, at least two times, a notice in a newspaper of general circulation in Georgetown, and shall post notice in three or more conspicuous public locations to include at a minimum the Town Office, Post Office, and Transfer Station Said written notice shall briefly describe the proposed subdivision, state where the application may be inspected, and give the date of the public hearing.

2.7 Review Criteria

- The Board, in making its determination of completeness of the application, shall be guided by the review criteria list of 30-A M.S.R.A. subsection 4404. The Board will request that the subdivider provide sufficient information to make findings of fact that the proposed subdivision:
- 2.7.1 Will not result in undue water or air pollution. In making this determination the Board shall consider:
- a. The elevation of land above sea level and its relation to the floodplains;
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - c. The slope of the land and its effect on effluents;

- d. The availability of streams for disposal of effluents;
 - e. And the applicable state and local health and water resources regulations.
- 2.7.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;
 - 2.7.3 Will not cause an unreasonable burden on an existing municipal water supply, if one is to be utilized;
 - 2.7.4 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;
 - 2.7.5 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed, including in an adjoining municipality if the proposed subdivision crosses municipal boundaries;
 - 2.7.6 Entrances, either proposed driveways, or streets, onto existing state-aid or state highways must be approved by the Maine Department of Transportation. Copies of such approvals shall be submitted to the Board at the time of final review;
 - 2.7.7 Will provide for adequate sewage waste disposal;
 - 2.7.8 Will not cause an unreasonable burden on the Town's ability to dispose of solid waste and sewage if Town services are to be utilized;
 - 2.7.9 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline;
 - 2.7.10 Is in conformance with this Ordinance and the Town's comprehensive plan;
 - 2.7.11 Whenever situated in whole or in part within the watershed of any pond or lake, or within 250 feet of any wetland, great pond, lake, river, or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;
 - 2.7.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
 - 2.7.13 Provides for adequate storm water management;

- 2.7.14 Any lots in the proposed subdivision having frontage within 100 feet, horizontal distance, of a river, stream, brook, great pond, or coastal wetland, will not have a lot depth to shore frontage ratio greater than 5 to 1;
- 2.7.15 The long-term, cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision; and
- 2.7.16 That the parcel being subdivided has not been subject to a liquidation timber harvest;
- 2.7.17 That the subdivider has adequate financial and technical capability to meet the above stated standards; and
- 2.7.18 In all instances, the burden of proof, persuasion, and production of documents and data shall be upon the subdivider.

2.8 **Public Hearing**

The Planning Board shall hold a public hearing on the proposed subdivision. Said hearing shall be held within thirty days of having determined that a subdivision application is complete. Notice of the date, time, and place of said hearing shall be given to the subdivider, posted in three or more conspicuous public locations to include at a minimum the Town Office, Post Office, and Transfer Station, filed with the Town Clerk, and published in a newspaper of general circulation in the Town at least seven days prior to the hearing.

2.9 **Planning Board Decision**

- 2.9.1 The Planning Board shall, within thirty days of the public hearing, or within sixty days of having determined that an application is complete, issue in writing its approval, conditional approval, or denial.
- 2.9.2 The Board may attach such conditions as it deems advisable to satisfy the criteria of this Ordinance.
- 2.9.3 If the Planning Board determines that a fair and adequate review of an application will require longer than sixty days, the review time limit may be formally extended for some specified time, if agreed to in writing by both the subdivider and the Planning Board.
- 2.9.4 The Planning Board shall make written findings of fact establishing that the proposed subdivision does or does not meet the provisions of this Ordinance and the criteria of 30-A.M.R.S.A. Subsection 4404.

2.10 **Appeals**

An appeal may be taken, within thirty days from the Planning Board's decision on the subdivision application, by any party or person aggrieved, to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

2.11 Final Approval and Filing

- 2.11.1 Upon completion of the requirements of this Ordinance, and an approved vote by the majority of the Planning Board members, and notation to that effect upon the Subdivision Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the subdivider with the Town Clerk. The original transparency shall be filed by the subdivider with the Sagadahoc County Register of Deeds within ninety days of approval by the Planning Board.
- 2.11.2 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 Plan, unless the Plan is first resubmitted and the Planning Board approves any modifications.
- 2.11.3 In the event that a Subdivision Plan is not recorded within ninety days after approval and endorsement, or if a Plan is changed prior to recording without Planning Board approval, the Plan shall be considered null and void, and the Board shall institute proceeding to have the Plan stricken from the records of the Town Clerk and the Register of Deeds.

2.12 Inspection of Required Improvements

- 2.12.1 At least ten days prior to commencing construction of required improvements, the subdivider shall notify the First Selectman and the Planning Board Chairman in writing of the time when construction will commence, in order to facilitate inspection by the Town.
- 2.12.2 If the Town shall find, upon inspection of the improvements performed, that any of the required improvements have not been constructed in conformance with the Subdivision Plan, the Selectmen shall notify the subdivider and take all necessary steps to preserve the Town's rights.
- 2.12.3 Upon completion of all improvements to the satisfaction of the Town, the Planning Board shall certify in writing that the subdivider has complied with all the terms of the subdivision approval and he shall be released from any obligation requiring his guarantee of performance.

SECTION 3: APPLICATION REQUIREMENTS

Specific application requirements will vary according to the size and complexity of the subdivision proposal. The Planning Board may, at its discretion, modify the requirements if such action will not unreasonably restrict the Board's review of the application as it relates to 30-A M.R.S.A. subsection 4404 and local ordinances. The application shall consist of the following:

3.1 Application Form

The subdivider shall submit on an application form provided by the Planning Board general information on the applicant and the proposed subdivision.

3.2 Location Map

A location map drawn at a scale of not over 500 feet to the inch shall show the relationship of the proposed subdivision to the adjacent properties and to the general surrounding area and shall show at least all the area within 1,000 feet of any property line of the proposed subdivision. Within such area the location map shall show:

- 3.2.1 The name, registration number, signature and seal of the land surveyor, architect, engineer, or planning consultant who prepared the maps and other documents.
- 3.2.2 The date, magnetic north point, and graphic scale.
- 3.2.3 All existing and proposed approximate property lines together with the names and mailing addresses of the owners of record of all adjacent parcels of land.
- 3.2.4 The locations, widths, and names of existing, filed, or proposed streets, easements, and rights-of-way.
- 3.2.5 The boundaries and designations of shoreland zoning districts and parks or other public lands.
- 3.2.6 The location and property lines of all land to which the applicant has any title, right, or interest in addition to the proposed subdivision and an indication of the future probable street system of the sub divider's entire holding, and gravel pits and other existing excavations and the sites of any future sources of gravel or fill.
- 3.2.7 The location of major surface water bodies, wetlands, rivers, streams, brooks, natural drainage ways, and culverts, with arrows indicating direction of flow, wooded and open space areas, farmland and all existing buildings, utility lines, fire ponds, and dry hydrants.

3.3 Subdivision Plan

A Subdivision 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 feet, showing or accompanied by the following information:

- 3.3.1 Proposed subdivision name or identifying title and the name of the Town.
- 3.3.2 Name and address of record of the owner of the subdivision and the subdivider, if different.
- 3.3.3 Name, registration number, signature and seal of the land surveyor who prepared the plan and of the architect, engineer, or planning consultant who prepared other drawings or documents.
- 3.3.4 Number of acres within the proposed subdivision, date, magnetic north point, and plan

scale.

- 3.3.5 A contour map of the subdivision drawn with contour lines at intervals of either five, ten, or twenty feet based on the United States Geological Survey datum or other data of existing grades.
- 3.3.6 The proposed lot lines with approximate dimensions and locations of existing and proposed buildings.
- 3.3.7 The location of temporary markers adequate to enable the Board to locate readily and evaluate the basic layout in the field
- 3.3.8 All parcels of land proposed to be dedicated to public use or to be commonly owned by the purchasers of land in the subdivision.
- 3.3.9 The names of the owners of record of all land immediately adjacent to the subdivision.
- 3.3.10 The location of existing natural features including ponds, streams, rivers, brooks, wetlands, natural drainage ways, wooded and open space areas, farmland, major areas of ledge, gravel pits, other existing excavations, and the sites of any future sources of gravel or fill within the subdivision.
- 3.3.11 The 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 elevation and flood hazard boundaries if the subdivision is in a flood prone area, as identified by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; slopes greater than fifteen percent; highly erodible soils; soils prohibiting subsurface wastewater disposal systems as defined by the State Plumbing Code; fragile or irreplaceable natural areas; historic and archeological sites; cemeteries; and areas of scenic or natural beauty.
- 3.3.12 The location of at least one acceptable soil test on each lot and a soils report identifying the soils according to the State Plumbing Code, prepared and signed by a licensed site evaluator.
- 3.3.13 The location, names, and widths 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 subdivider.
- 3.3.14 The location and size of any existing dry hydrants, fire ponds, culverts, and drains on the property to be subdivided.
- 3.3.15 The location of all proposed on-site sewage disposal systems and/or proposed sewer lines and their profile.
- 3.3.16 The location of all proposed water lines, wells, reservoirs, or other facilities.
- 3.3.17 Provisions for collecting and treating storm drainage, in the form of a Drainage Plan which includes all proposed facilities, such as culverts, catch basins, and detention,

retention, or infiltration basins.

- 3.3.18 A soil Erosion and Sedimentation Control Plan for construction and for permanent control. The plan may be incorporated into the Drainage Plan.
- 3.3.19 An 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.

3.4 Documents

- 3.4.1 All public water supply facilities shall be shown to meet the minimum specifications of all pertinent State laws and regulations and all Town ordinances. The subdivider shall provide evidence as to the expected flow rate for these facilities which will satisfy the reasonably foreseeable needs of the proposed subdivision and, in addition, the location of all water available for firefighting shall be shown including existing and proposed fire ponds and/or dry hydrants.
- 3.4.2 Evidence that the subdivider has adequate financial and technical capacity to meet the requirements of 30-A M.R.S.A. Subsection 4404 and the Town of Georgetown's ordinances and Comprehensive Plan. The subdivider shall also provide evidence of financial and technical capability for the adequate operation and maintenance of all private multiple-system waste disposal systems, storm drainage facilities, water systems, and other facilities.
- 3.4.3 Where access is provided by right-of-way over roads on land not held as part of the subdivision, such right-of-way shall be recorded at the Sagadahoc County Registry of Deeds.

3.5 Requests for Additional Information

Prior to its final decision the Planning Board may require evidence and documentation in addition to that required in the application as provided for in paragraphs 3.5.1 through 3.5.7. This additional information may include:

- 3.5.1 **Impact on Community Services:** The Planning Board may require information regarding the subdivision's effect upon existing services and facilities; a list of construction items that will be completed by the subdivider prior to the sale of lots; and the list of construction and maintenance items that may be borne by the Town, which shall include, but not be limited to, schools, including busing; road maintenance and snow removal; police and fire protection; solid waste disposal; and recreation facilities. The Board may further request the subdivider to provide cost estimates to the Town for these services and the expected tax revenue of the subdivision.
- 3.5.2 **High Intensity Soils Survey:** The Planning Board may require that the subdivider submit detailed soils information in the form of a soils report and high intensity soils survey prepared and signed by a certified soil scientist, identifying the soils names and soils boundaries in the proposed development.

- 3.5.3 Impact on Sensitive Natural and Cultural Resources: The Planning Board may require, as a condition of approval and prior to its decision, that the subdivider submit an assessment of the expected impacts of the subdivision on sensitive natural and cultural resources, which shall include, but not be limited to, surface water bodies, identified gravel and bedrock groundwater aquifers and recharge areas, one-hundred-year floodplain as identified by the H.U.D. Flood Insurance Program, slopes greater than fifteen percent, highly erodible soils, soils prohibiting disposal systems as identified by the State Plumbing Code, fragile or irreplaceable natural areas, historic and archeological sites, cemeteries, and visual character and areas of scenic or natural beauty.
- 3.5.4 Recreational Use: Depending on the size and location of the subdivision, the Planning Board may require, as a condition of approval and prior to its decision, that the subdivider propose a plan for the provision of land area for recreational use. Land reserved for a park and/or recreational purposes shall be of a character, configuration, location and access suitable for the particular use intended
3. 5.5 Buffer Area: The Planning Board may require, as a condition of approval and prior to its decision, that the subdivider provide buffer areas when a proposed subdivision is located adjacent to a use where separation is desirable.
- 3.5.6 Landscaping: The Planning Board may require, as a condition of approval and prior to its decision, that the proposed subdivision design include: a landscape plan that will show graded contours and streams; the reasonable preservation of vegetation; the replacement of trees and vegetation; the planting of buffer areas; and the preservation of scenic, historic, or environmentally desirable areas. Provisions for adapting the street and lot layout to the topography and avoiding extensive grading and filling as far as possible may also be requested.
- 3.5.7 Covenants, Deeds, Leases, etc.: The Planning Board may require, as a condition of approval and prior to its decision, that the subdivider submit for review and approval copies of all proposed deeds; leases; restrictive covenants; easements; landowner association agreements and corporate papers; contracts; deeds to commonly held land; deeds and covenants to land to be held by the subdivider; deeds offering to convey land to the Town of Georgetown or its agencies, the State of Maine or its agencies and departments, Sagadahoc County, or any other public body, or to any private organization or corporation; and any other documents, existing or proposed, which may determine or affect the land and the uses of the land in the subdivision.

3.6 Submission of Evidence for Approval

The Planning Board may require the subdivider to submit on, or accompanying, the plan the following evidence, data, and documents as a condition of approval and prior to the signing of the approved plan:

- 3.6.1 Sufficient acceptable data to determine readily the location, bearing, and length of every lot line and boundary line and to reproduce such lines upon the ground. Where practical, these should be tied to reference points previously established.

- 3.6.2 The location, bearing, and length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances, and tangent bearings for each street.
- 3.6.3 The proper designation of all public open space for which offers of conveyance are made by the subdivider and those spaces to which title is reserved by the subdivider.
- 3.6.4 Written offers of conveyance to the Town of Georgetown of all public open space shown on the Plan, and copies of agreements or other documents listed in paragraph 3.6.3 above.
- 3.6.5 Written evidence that the Selectmen are satisfied with the legal sufficiency of the documents referred to in Paragraph 3. 6.4 above regarding the land to be offered for conveyance to the Town. Such written evidence shall not constitute an acceptance by the Town of any public open space referred to in Paragraph 3.6.4 above.
- 3.6.6 A plan of the approved subdivision including all the information required by Section 3.3 of this Ordinance and in addition suitable space to record on the approved plan the date and conditions of approval if any. Said space shall be similar to the following example:

Approved by Town of Georgetown Planning Board

_____, Chairman

Signed _____

Date _____

Conditions _____

SECTION 4: CONSTRUCTION STANDARDS

4.1 Compliance with Section Required

In reviewing an application for the subdivision of land, the Board shall consider the general requirements set forth in this Section. In all instances, the burden of proof shall be upon the person proposing the subdivision.

4.2 Land Not Suitable for Development

The Planning Board shall not approve building lots located totally on land below sea level, on land which must be filled or drained, on land created by diverting a watercourse, or on filled tidal land or filled or drained Great Ponds.

4.3 Lots and Density

The lot size, width, depth, shape, and orientation and the minimum setback lines shall comply with the Town's Building Permit/Demolition Ordinance, Shoreland Zoning Ordinance and Minimum Lot Size Ordinance.

4.4 Surface Drainage

Where the Planning Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided a storm water easement or drainage right-of-way and culverts, catch basins, or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width, and location as the Board or its technical advisors deem adequate. Such easements or rights-of-way shall make use of any existing natural water course, drainage way, channel, or stream when practical. All work shall be in compliance with DEP regulations for Storm Water Management in Title 38, §420D.

4.5 Removal of Topsoil

Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas, and building excavations, it is not to be removed from the site.

4.6 Prevention of Erosion

4.6.1 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Planning Board may require a subdivider to take measures to correct and prevent soil erosion in the proposed subdivision.

4.6.2 To prevent soil erosion of shoreline areas, tree cutting in the Shoreland Zone shall be in accordance with the rules and regulations specified in the Shoreland Zoning Ordinance, Section 15.M and 15.N.

4.7 Minimum Water Supply

4.7.1 The subdivider shall guarantee to the buyer that sufficient potable water resources exist to meet the needs of the individual lots.

4.7.2 The subdivider shall demonstrate that water of sufficient quality and quantity exists to meet the reasonably foreseeable needs of the subdivision.

4.8 Road Design and Construction

4.8.1 General Criteria

- 4.8.1.1 Before a road will be considered for acceptance as a town way it must first be completed to the standards of this Ordinance and inspected by the Road Commissioner. Upon completion of said inspection, the Road Commissioner shall recommend the road for acceptance or denial as a town way to the Board of Selectmen.
- 4.8.1.2 All roads in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel.
- 4.8.1.3 Subdivisions with greater than 30 one- or two-family dwelling units shall be provided with two separate and approved fire apparatus access roads. The two access roads shall be placed a distance apart equal to not less than one-half of the length of the overall diagonal dimension of the property area to be served.
- 4.8.1.4 Where private and public roads serve a subdivision, the formation of a neighborhood association is required in order to guarantee and administer road maintenance. The property owners' obligation for road maintenance cost shall be included as a covenant in their deed.
- 4.8.1.5 Any road, driveway or structure must be set back 25 feet from any cemetery.
- 4.8.1.6 A stop sign shall be posted at the intersection of any subdivision road and a public road to require a vehicle exiting the subdivision to come to a full stop prior to entering the public road.
- 4.8.1.7 All subdivision mail boxes must be set back a minimum of 50 feet from the centerline of the intersection of a subdivision road and a public road.

4.8.2 Construction Standards

All roads within the subdivision shall be constructed according to specifications 4.8.2.1 through 4.8.2.4 as overseen by the Road Commissioner. Paragraph 4.8.2.5 distinguishes between standards for minor roads serving four dwellings or less and major roads serving more than four dwellings.

- 4.8.2.1 Preparation: Before grading is started, the right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material and all trees not intended for preservation.
- 4.8.2.2 Cuts: Tree stumps, roots, and other organic materials within the roadbed shall be removed to a depth of two feet below the subgrade. Rocks and boulders, when encountered, shall be removed to subgrade.
- 4.8.2.3 Materials: The base of the road shall consist of at least eight inches of aggregate subbase. The top shall consist of a minimum of five inches of aggregate surface course.
- 4.8.2.4 A crown is required on all paved roads.

4.8.2.5 Dimensions of road construction:

ITEM	STANDARD	
	Minor	Major
Right-of-way	50 feet	50 feet
Maximum grade	15%	15%
Roadbed width	12 feet	16 feet
Shoulder width	--	2 feet
Cleared width	28 feet	28 feet
Minimum curve radius to road centerline	100 feet	100 feet
Minimum angle of road intersection	60 degrees	60 degrees
Maximum grade within 50' of intersection	3 %	3 %
Drainage (1) roadbed to ditch	3:1 slope	3:1 slope
(2) ditch to level grade	2:1 slope	2:1 slope
(3) minimum culvert size	15 inches	15 inches
Cul-de-sac radius at dead ends	40 feet	40 feet