

SUBDIVISION ORDINANCE

for
the Town of

WEST PARIS, MAINE

1989

Adopted As Read, THE ENCLOSED FORM,
BY THE VOTE OF THE REGISTERED VOTERS,
AT THE ANNUAL TOWN MEETING ON MARCH 7,
1989 AT THE WEST PARIS FIRE STATION.

Dian P. Stimson
DIAN P. STIMSON
TOWN CLERK

A TRUE COPY ATTEST:

Dian P. Stimson
Town Clerk
Town of West Paris
February 24, 1989

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SUBDIVISION ORDINANCE FOR THE TOWN OF WEST PARIS, MAINE

Section I. Purpose

The purpose of this Ordinance shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, maintain character and to provide for the orderly development of a sound and stable community in a manner consistent with the Comprehensive Plan. This Ordinance also has the purpose of providing uniform procedures and standards for observance by the Planning Board, other officers of the Town and developers in regulating subdivisions in the Town of West Paris.

Section II. Authority and Administration

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers and consistent with Title 30, M.R.S.A., Sections 2151A and 4956, and as hereafter amended.
2. This Ordinance shall be known and cited as the "Subdivision Ordinance for the Town of West Paris, Maine".
3. Upon adoption of this Ordinance, all previous Subdivision Regulations or Ordinances shall be repealed.

B. Administration

1. The Planning Board, hereafter known as the Board for the Town of West Paris, shall administer this Ordinance.
2. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined, as well as the expansion of all previously approved subdivisions, as defined, located in the Town of West Paris. The provisions of this Ordinance shall not apply to all subdivisions approved prior to the adoption of this Ordinance.
3. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not received Board approval and which has not been recorded in the Registry of Deeds and with the Town Clerk of West Paris. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received Board approval and which has not been recorded in the Registry of Deeds and with the Town Clerk of West Paris. A Subdivision Plan recorded without Board approval shall be void. Any person who violates any provision of this Ordinance shall be fined a minimum of one hundred dollars (\$100) and a maximum of Two Thousand Five Hundred dollars (\$2,500) for each violation. Each day constitutes a separate violation.

4. Initiation of Development within Two Years

If construction of the public improvements are not begun within two years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. In addition, approval shall lapse on any approved subdivision plan that has not been filed with the Registry of Deeds within thirty (30) days of approval. Reapplication for approval may include information submitted in the initial application by reference.

5. All requirements of this Ordinance on approved and registered subdivisions shall be binding regardless of transfer of ownership.

Section III. Definitions

- A. Subdivision - A subdivision shall mean the division of a tract or parcel of land or structure as defined in Title 30, M.R.S.A., Section 4956 and as hereafter amended. The term subdivision shall also include such developments as multiple-family dwelling(s), shopping centers, condominiums, industrial parks and campgrounds, where there are three or more structures or units involved.

The Town of West Paris hereby exercises its power as granted in Title 30 M.R.S.A., Section 4956, to include lots of forty (40) acres or more as lots for the purposes of defining and reviewing subdivisions.

- B. Dwelling Unit - "Dwelling unit" means any part of a structure which through sale or lease, is intended for human habitation.
- C. Expansion (of a previously approved subdivision) - Expansion means the addition of lots, structures or units to a previously approved subdivision or the addition of land area to a previously approved subdivision.
- D. Land Not Suitable for Development
1. Land which, because of existing land uses or lack of access, is isolated and unavailable for building purposes or for use.
 2. Land shown to be in a floodway or as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
 3. Land which is unsuitable for development in its natural state due to topographical, drainage, or subsoil conditions such as but not limited to:
 - a. slopes greater than thirty-three percent (33%)
 - b. organic soils
 - c. wetland soils
 - d. poorly drained soils, as determined by Oxford County Soil and Water Conservation District
 - e. land subject to rights of way

D3. (continued)

- f. land located in the Resource Protection District
- g. land covered by surface waters
- h. land located on filled or drained Great Ponds.

E. Unit - Unit shall mean either a "dwelling unit", or a portion of a structure segregated (separated) from other parts of the structure by floor to ceiling walls and containing a use operated by or identified as a single entity, or a lot or portion thereof identified by a specific use or improvements.

Section IV. Procedures for Review of Subdivision Applications

A. Preliminary Subdivision Application

1. Submission of Preliminary Subdivision Application

Preliminary Subdivision Applications shall be submitted at a regularly scheduled Board meeting to the Chairman of the Board who shall issue to the applicant a dated receipt. Upon receiving a Preliminary Subdivision Application, the Board shall notify all abutters. Within thirty (30) days from the date of receipt, the Board shall notify the applicant in writing either that the Preliminary Subdivision Application is complete or, if the Application is incomplete, the specific additional information needed to make a complete Preliminary Subdivision Application. The applicant assumes all responsibility as to its completeness. Upon Board determination that the application is complete, the Chairman of the Board will issue to the applicant a dated receipt.

2. Public Hearing

In the event that the Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Preliminary Subdivision Application has been received and shall cause notice of the date, time and place of such hearing to be given to the subdivider, all property owners within one thousand (1,000) feet of the boundaries of the subdivision and published in a newspaper of general circulation in the Town of West Paris at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of subdivision, the community impact, and whether any written requests for such a hearing have been received. Public hearings shall be conducted in accordance with the procedures in Title 30, M.R.S.A., Section 2411, Subsection 3 A, B, C, D, E.

3. Board Decision on the Preliminary Subdivision Plan

The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, issue a registered letter denying or granting approval of the proposed Preliminary Subdivision Plan or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in

3. (continued)

Title 30, M.R.S.A., Section 4956, and to preserve the public's health, safety, and general welfare.

In all instances, the burden of proof shall be upon the subdivider.

In issuing its decision, the Board shall make a written finding of fact establishing that the proposed subdivision does or does not meet provisions of this Ordinance and Title 30, M.R.S.A., Section 4956.

Approval of the Preliminary Subdivision Plan and Application in no way commits or binds the Board to approve the Final Subdivision Plan and Application.

4. Application Fees

The following fee(s) shall be paid prior to the submission of any Preliminary Subdivision Plan:

a. Review fee, Twenty Five dollars (\$25.00) per lot (or unit for multiplex development)

b. Review escrow account, One Hundred dollars (\$100) per lot (or unit for multiplex development) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application, as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. Those monies deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

B. Final Subdivision Application

1. Submission of Final Subdivision Application

The applicant shall submit the original and four (4) copies of the Final Plan to the Board at a regularly scheduled Board meeting, within one (1) year from the date of approval of the Preliminary Plan. The Chairman of the Board shall issue a dated receipt to the applicant. The Final Plan shall be drawn in ink on linen or polyester film suitable for recording in the Oxford County Registry of Deeds. The Final Plan shall include all the information requested in Section IV.C.3., and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and the Final Plan. Within thirty (30) days from the date of receipt of the Final Subdivision Application, the Board shall notify the applicant in writing either that the Final Subdivision Application is complete or, if the Application is incomplete, the specific additional information needed to make a complete Final Subdivision Application. The applicant assumes all responsibility as to its completeness. Upon Board determination that the Final Subdivision application is complete, a dated receipt will be issued to the applicant.

2. Public Hearing

In the event that the Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Final Subdivision Plan Application has been received and shall cause notice of the date, time and place of such hearing to be given to the subdivider, all property owners within one thousand (1,000) feet of the boundaries of the proposed subdivision and published in a newspaper of general circulation in the Town of West Paris at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of subdivision, the community impact, and whether any written requests for such a hearing have been received. Public hearings shall be conducted in accordance with the procedures in Title 30, M.R.S.A., Section 2411, Subsection 3 A, B, C, D, E.

3. Board Decision on the Final Subdivision Plan

The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, issue a registered letter denying or granting approval of the proposed Final Subdivision Plan, or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30, M.R.S.A., Section 4956, and to preserve the public's health, safety, and general welfare.

In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the proposed subdivision does or does not meet the provisions of this Ordinance and Title 30, M.R.S.A., Section 4956.

Approval of the Preliminary Plan and Application in no way commits or binds the Board to approve the Final Plan.

4. Upon approval of the Subdivision Plan, a majority of the Board shall sign all four (4) copies of the Subdivision Plan. The original shall be filed by the subdivider with the Oxford County Registry of Deeds within thirty (30) days or the Subdivision Plan shall become void. One (1) copy shall be retained by the subdivider, one (1) copy shall be retained by the Board, and one (1) copy shall be filed with the Selectmen. The Board shall maintain a permanent record of their action on the Subdivision Plan.

C. The Subdivision Application

The Subdivision Application shall consist of an application form and subdivision plan.

Items marked with an "X" shall be required in all instances.

Items not marked with an "X" may be required.

The application form shall be furnished by the Board and shall include the following information.

1. Information on the Applicant

- X 1. Name and address of Owner
- X 2. Name and address of Applicant (if other than owner)
- X 3. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach copy of Secretary of State's Registration
- X 4. Name and address of Applicant's authorized representative
- X 5. Name, address and number of Registered Professional Engineer, Land Surveyor, or Planner who prepared the plan
- X 6. Address to which all correspondence from the Board should be sent
- X 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)?
- X 8. What interest does the applicant have in any property abutting the parcel to be subdivided?
- X 9. State whether the subdivision covers the entire or contiguous holdings of the applicant or not.
- X 10. Proposed method of Performance Guarantee
- X 11. Application fee
- X 12. Statement of Financial capability
- 13. Statement of Technical capability

2. Information Relating to the Property Being Subdivided

- X 1. Location of property: Book and page (from Register of Deeds)
- X 2. Copy of the Property Deed (from Register of Deeds)
- X 3. Location of property: Map and lot (from Assessor's Office)
- 4. Map survey of tract to be subdivided, certified by a Registered Land Surveyor, tied to established reference points (attached to application form)
- X 5. Current zoning of property
- X 6. Existing waterbodies
- X 7. Existing Public and private rights of way and easements
- X 8. Acreage of parcel to be subdivided
- X 9. A soils report prepared by a Licensed Site Evaluator, identifying soil types and location of soil test areas. Based on soil test results, certain modifications of the subdivision may be required (attached copy of soils report to application). There shall be at least one (1) soil test performed on each lot.
- X 10. Names of property owners abutting the parcel to be subdivided and on the opposite side of any road from the parcel to be subdivided (show on plat)
- 11. Indicate the nature of any restrictive covenants to be placed on the deeds
- 12. Traffic Impact analysis
- 13. Hydrologic assessment
- 14. Statement of water supply suitability from a well driller, or a hydrogeologist, or the West Paris Water District
- 15. Necessary State and/or Federal Permits and date of application (please list)
- X 16. Any requests for waivers or variances must be in written form

3. Information on the Subdivision Plan

Prelim-

inary Final

- | | | | |
|---|---|-----|---|
| X | X | 1. | Proposed name of subdivision |
| X | X | 2. | Lot numbers |
| X | X | 3. | Date, north point, graphic map scale (show on plat) |
| X | X | 4. | Proposed lot lines with approximate dimensions |
| X | X | 5. | Suggested locations of buildings, subsurface sewage disposal systems, and wells (show on plat) |
| X | X | 6. | Location of permanent or temporary markers adequately located to enable the Board to locate lots readily and appraise the basic lot layout in the field (show on plat) |
| X | X | 7. | Location of all parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved (show on plat) |
| - | | 8. | Proposed Association Bylaws including roadways (where applicable) |
| X | X | 9. | A location map, consisting of a U.S.G.S. Topographical Map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within Two Thousand (2,000) feet of any property line of the proposed subdivision (attach to plan). |
| X | X | 10. | Location and size of existing buildings, watercourses, and other essential existing physical features (show on plat) |
| X | X | 11. | Location and size of any existing sewers, water mains, culverts and drains (show on plat) |
| - | | 12. | Location, names and widths of any existing and proposed streets, highways, easements, building lines, rights of way, parks and other public open spaces; and lengths of all straight lines, the deflection of angles, radii length of curves, and central angles of all curves, and tangent distances and bearings of all streets or other proposed public ways proposed by the subdivider (show on plat) |
| - | | 13. | Statement which indicates how a privately owned road is to be maintained |
| - | | 14. | Statement which states who owns all privately owned roads |
| - | | 15. | Contour lines at intervals of either five (5), ten (10) or twenty (20) feet in elevation, as specified by the Board |
| - | | 16. | Typical cross-sections of proposed grading for roadways, sidewalks, and storm drainage facilities (attach to plan) |
| - | | 17. | A soil erosion and sediment control plan for construction and for permanent control (attach to plan) |
| - | | 18. | Suitable space to record on the approved plat plan the date and conditions of approval, if any. This space shall be similar to the following example: |
-
- | | | | |
|------------|--------------------|-------|------------------|
| Approved | Town of West Paris | _____ | Planning Board |
| Signed | _____ | _____ | Chairman |
| | _____ | _____ | (space for all |
| | _____ | _____ | members to sign) |
| Date | _____ | | |
| Conditions | _____ | | |

C3. (continued)

- 19. Any other information on the parcel to be subdivided

4. Accompanying Documents

- a. Certification to the Board of financial capability or bonding to ensure completion of the project.
- b. Statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds
- c. Statement from the Sewer and/or Water District or company that they will permit connection into the water district system
- d. Other information not indicated above, as specified by the Board on the application

Section V. General Requirements

- A. Buffer Strip - The Board may require a buffer strip, such as natural vegetation when the proposed subdivision will be located adjacent to a use where separation is desirable.
- B. Basement Drainage - If lots are being created to accommodate structures with basements, the subdivider can be required to show that the basement can be drained by gravity to the ground surface.
- C. Conformance with other Laws, Regulations - The proposed subdivision shall be in conformance with all pertinent Local, State and Federal ordinances, statutes, laws, and regulations. If the proposed subdivision must be reviewed by any state agency in accordance with the Site Location Act, Title 38 M.R.S.A. 481 et seq or any other applicable State law, the subdivider must secure approval of the Board of Environmental Protection or appropriate agency and the Town Planning Board.
- D. Construction Prohibited - No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the subdivision until the subdivision application has been prepared, submitted, reviewed, approved, and endorsed as provided for by this Ordinance, nor until an attested copy of the plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds. Plans for road construction, grading and ditching should be reviewed by the Road Commissioner for his recommendations prior to Board approval.
- E. Ditches, Catch Basins - The Board may require the installation of ditches, catch basins, piping systems, and other appurtenances for the conveyance, control, or disposal of surface waters.
- F. Easements - The Board may require easements for sewerage, drainage, or other utilities.

- G. Sediment and Erosion Control Plan - The Board may require the applicant to develop a sediment and erosion control plan in compliance with the standards of the Oxford County Soil and Water Conservation District.
- H. Guidelines for Reviewing Subdivisions in Subdivision Law - In reviewing any proposed subdivision, the Board shall consider the criteria set forth in the Guidelines contained in the Subdivision Law, Title 30, M.R.S.A., Section 4956, as amended, which are included as an appendix of this Ordinance, and before granting approval shall determine that they have been or will be met. The burden of proof shall be upon the applicant.
- I. Lots and Density
 - 1. The lot size, width, depth, shape and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - 2. Where individual, on-site sewage disposal systems are to be utilized, the size of each lot shall conform to the "Town of West Paris Minimum Lot Size Ordinance" or shall be based upon soil characteristics and conform to A Guide for Minimum Lot Size Determination contained in Appendix F of the State of Maine "Subsurface Wastewater Disposal Rules", Part II as amended, whichever is largest.
 - 3. For Cluster developments, overall net density shall not be greater than the density that would result from the creation of individual, non-cluster lots. Such densities shall be calculated by dividing the total developable acreage within the subdivision (including open spaces or common recreational areas) by the number of proposed units. Developable acreage shall be determined by subtracting "Land Not Suitable for Development", as defined in Section III.R. of this Ordinance, from the total acreage of the subdivision.
 - 4. The lot size, for multiple unit housing, when disposal of wastes by subsurface waste disposal is used, shall be in the same proportion as for single family residential units. For purposes of computing such proportions, the amount of sewage generated by and the waste disposal requirement of such land uses shall be:
 - a. single family residential unit, three hundred (300) gallons per day;
 - b. multiple unit housing, one hundred-twenty (120) gallons per bedroom per day.
- J. Driveway Entrances - Subdivisions with lots fronting on existing arterial and collector streets shall minimize the number of driveways entering such streets. The Board shall require access streets or other acceptable techniques to minimize the number of driveway entrances upon such streets.
- K. Sidewalks - The Board shall have the authority to designate whether sidewalks shall be required.

- L. Utilities - All utilities shall be installed underground unless specifically waived by the Board.
- M. Dead-end or Cul-de-sac Streets - Dead-end or Cul-de-sac streets shall be provided at the closed end with a turn-around having a property line radius of at least sixty (60) feet with an outside pavement radius of at least forty (40) feet. The Board has the right to require an easement to extend the road beyond the Cul-de-sac.
- N. Land not Suitable for Development - The Board shall in no instance approve such portions of any proposed subdivision that are located on "Land Not Suitable for Development" as defined in Section III.B. of this Ordinance.
- O. Open Space Provisions - The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas.
- P. Performance Bond
1. The Board may require that the subdivider file with the Board a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Treasurer of the Town of West Paris and issued by a financial institution acceptable to the Town of West Paris, or a performance bond running to the Town of West Paris and issued by a surety company acceptable to the Town of West Paris. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board of the Town of West Paris with the advice of the various municipal officers concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage and utilities or other improvements specified on the plan within two (2) years of the date of the certified check or performance bond.
 2. The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.
 3. Before a subdivider may be released from any obligation requiring his/her guarantee of performance, the Board will require certification from the various municipal officers to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, (State, Federal and Local codes, ordinances, laws and regulations).
 4. The Board may, at its discretion, waive the requirement of a performance bond and recommend a properly executed conditional agreement with the Town of West Paris. Such agreement, if executed with the Town of West Paris shall be endorsed in writing on the plan and shall provide that the Board

4. (continued)

may approve the subdivision or any part thereof, on the condition that no lot in the subdivision may be sold and that there can be no construction of any building on any lot on any street in the subdivision until it shall have been certified in the manner set forth in paragraph three above that all improvements have been made within two (2) years of the date of executing such conditional agreement.

- Q. Plan Revisions After Approval - No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Board approves any modifications. In the event that the subdivision plan is recorded without complying with this requirement, the plan shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Selectmen and the Registry of Deeds.

Section VI. Roads

- A. Street Design and Construction - The design and construction of all subdivision streets and roads shall be in accordance with the Town's road ordinance or with the requirements of this Subdivision Ordinance whichever has the higher standard.

B. Classification of Streets

1. In all new subdivisions, streets that are to be dedicated to public use shall be classified as provided in Subsection 2.
 - a. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.
 - b. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.
 - c. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
2. The classification of streets shall be as follows.
 - a. Street - Private ways, which serve three or more units, and public ways, such as alleys, avenues, boulevards, highways, and roads.
 - b. Privately Owned - A street which is not intended to be dedicated as a Town way.
 - c. Driveway - A privately owned way which serves no more than two units.

- d. Minor - A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than ten (10) dwelling units and is expected to or does handle up to seventy-five (75) trips per day.
- e. Local - A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least eleven (11) but no more than forty-five (45) dwelling units and is expected to or does handle between seventy-five (75) and two hundred-fifty (250) trips per day.
- f. Collector - A street whose principle function is to carry traffic between minor and local streets and arterial streets but that may also provide direct access to abutting properties.
- g. Arterial - A major street whose principal function is to carry traffic into, out of, or around the Town and carries high volumes of traffic.

C. Minimum Road Construction Standards for Subdivisions -

1. Bases

- a. The Aggregate base material shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances.

Item:	Collector	Local	Minor	Private
1. Minimum width of right of way (feet)	50	50	50	50
2. Minimum width of pavement/ travel width (feet)	24	20	20	20
3. Minimum grade (%)	0.5	0.5	0.5	0.5
4. Maximum grade (%)	8	10	10	12
5. For all roads: Maximum grade at intersections shall be two(2) percent within fifty(50) feet of intersections				
6. Minimum angle of intersections (degrees)	90	90	90	90
7. Width of shoulders (feet)	3	3	3	n/a
8. Minimum center line radii on curves (feet)	150	150	150	100
9. Minimum road base - total (inches)	24	18	18	16
sub-base (inches)	18	12	12	10
upper base (inches)	6	6	6	6
10. Maximum stone size in sub-base (inches)	6	6	6	6
11. Maximum stone size in upper-base (inches)	3.5	3.5	3.5	3.5
12. Minimum road crown (inches per foot)	1/4	1/4	1/4	1/4
13. Paving - minimum (inches)	2	2	2	n/a
14. Maximum back and side slopes	(3/1)	(3/1)	(3/1)	(3/1)
15. For all roads: Minimum elevation of the finished road surface shall be two(2) feet above the seasonal high water table.				

- D. Storm Drainage - Adequate drainage facilities shall be provided so as to reduce the danger of flooding/erosion and shall be the responsibility of the subdivider, subject to the approval of the Board.

Section VII. Waiver and Modification of This Ordinance

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

Section VIII. Validity, Effective Date, Conflict of Ordinances and Filing

- A. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.
- B. The effective date of this Ordinance is _____.
- C. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.
- D. A certified copy of this Ordinance shall be filed with the County Registry of Deeds.

Section IX. Amendments

This Ordinance may be amended through a vote of the legislative body of the Town (i.e. Town Meeting).

Section X. Appeals

An appeal may be taken within thirty (30) days from the Board's decision on the application by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

APPENDIX A:

Subdivision Law, Title 30, 4956. Land Subdivisions.

Subsection 3. Guidelines.

As noted in the Information Pamphlet entitled:
"Maine Planning and Land Use Laws 1988"
Distributed by the Office of Comprehensive Planning,
Maine Department of Economic and Community Development

When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the municipal officers, shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- D. 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;
- E. 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;
- F. Will provide for adequate sewage waste disposal;
- G. Will not cause unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

Appendix A: (continued)

- I. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- J. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the municipal reviewing authority is authorized to interpret these ordinances and plans;
- K. The subdivider has adequate financial and technical capacity to meet the above stated standards.
- L. Whenever situated in whole or in part, within 250 feet of any 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.

Furthermore, when lots in a subdivision have frontage on an outstanding river segment, as defined in subsection 1-A, the proposed subdivision plan shall require principal structures to have a combined lot shore frontage and setback from the normal high water mark of 500 feet. 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 extend to the shore. These frontage and setback provisions shall not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 12, section 4813, or within areas areas designated by ordinance as densely developed. The determination of which areas are densely developed shall be based on a finding that, as of the effective date of this Act, existing development meets the requirements of subsection 1.

- M. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- N. The subdivider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

Article 26.1 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section III. Definitions

- A. Subdivision - A subdivision shall mean the division of a tract or parcel of land or structure as defined in Title 30, M.R.S.A., Section 4956 and as hereafter amended. The term subdivision shall also include such developments as multiple-family dwelling(s), shopping centers, condominiums, industrial parks and campgrounds, where there are three or more structures or units involved.

~~The Town of West Paris hereby exercises its power as granted in Title 30 M.R.S.A., Section 4956, to include lots of forty (40) acres or more as lots for the purposes of defining and reviewing subdivisions.~~

Article 26.2 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section VI. Roads

C. Minimum Road Construction Standards for Subdivisions -

1. Bases

- a. The Aggregate base material shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances.

Item:	Collector	Local	Minor	Private
1. Minimum width of right of way (feet)	50	50	50	50
2. Minimum width of pavement/ travel width (feet)	24 0.5	20 0.5	20 0.5	20 0.5
3. Minimum grade (%)	8	10	10	12
4. Maximum grade (%)				
5. For all roads: Maximum grade at intersections shall be two (2) percent within fifty (50) feet of intersections				
6. Minimum angle of intersections (degrees)	90 3	90 3	90 3	90 n/a
7. Width of shoulders (feet)	150	150	150	100
8. Minimum center line radii on curves (feet)	24	18	18	16
9. Minimum road base - total (inches)	18	12	12	10
sub-base (inches)	6	6	6	6
upper-base (inches)	6	6	6	6
10. Maximum stone size in sub-base (inches)	3.5	3.5	3.5	3.5
11. Maximum stone size in upper-base (inches)	1/4	1/4	1/4	1/4
12. Minimum road crown (inches per foot)	2	2	2	n/a
13. Paving - minimum (inches)	(3/1)	(3/1)	(3/1)	(3/1)
14. Maximum back and side slopes				
15. For all roads: Minimum elevation of the finished road surface shall be two (2) feet above the seasonal high water table.				

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Item:	Collector	Local	Minor	Private
1. Minimum width of right of way (feet)	50	50	50	50
2. Minimum width of pavement/ travel width (feet)	24	20	20	20
3. Minimum grade (%)	0.5	0.5	0.5	0.5
4. Maximum grade (%)	8	10	10	12
5. For all roads: Maximum grade at intersections shall be two (2) percent within fifty (50) feet of intersections				
6. Minimum angle of intersections (degrees)	90	90	90	90
7. Width of shoulders (feet)	3	3	3	n/a
8. Minimum center line radii on curves (feet)	150	150	150	100
9. Minimum road base - total (inches)	24	18	18	16
sub-base (inches)	18	12	12	10
upper-base (inches)	6	6	6	6
10. Maximum stone size in sub-base (inches)	6	6	6	6
11. Maximum stone size in upper-base (inches)	3.5	3.5	3.5	3.5
12. Minimum road crown (inches per foot)	1/4	1/4	1/4	1/4
13. Paving - minimum (inches)	2	2	2	n/a
14. Maximum back and side slopes	(3/1)	(3/1)	(3/1)	(3/1)
15. For all roads: Minimum elevation of the finished road surface shall be two (2) feet above the seasonal high water table.				

Motion was made to waive the reading of the remaining Section VI. Roads; it was seconded. A vote was taken by a show of hands. It was unanimous to waive the reading of the remaining Section VI. Roads. General discussion. After Jim Andrews made a motion to accept as written, it was seconded. Motion was passed.

Article 26a: To see if the citizens of the town will vote to amend the "Town of West Paris Minimum Lot Size Ordinance" to include a section 4. called Non-Conforming Uses and re-number the following paragraphs of the ordinances as 5. being Administration, 6. being Appeals, and 7. being Enforcement, 8. being Amendments and 9. being General.

- #4 Non-Conforming Uses. (A) Any lawful use of building, structures, premises, land or parts thereof existing at the effective date of this amendment and not in conformance with the provisions of this ordinance shall be considered a non-conforming use.
(B) Any non-conforming use may continue and may be repaired, maintained and improved. No such non-conforming use may be expanded, changed to another non-conforming use or renewed after it has been discontinued for a period of 12 calendar months or more without a variance from the specific terms of this ordinance.

Selectmen recommend: Approval

Motion made by Fred Swasey & seconded to approve as written. Judy McLaughlin asked for the article to be explained. David Walton replied. A vote was taken (33 in favor 13 opposed) which passed.

Article 26 : Shall an ordinance entitled "Sub Division Ordinance for the Town of West Paris, Maine" be enacted.

Selectmen recommend: Approval

Fred Swasey made a motion to follow Selectmen's recommendation; it was seconded. Mary Ann Brown commented (the people who worked on this should be commended). Richard Baker said he worked on this but he feels it doesn't meet the needs of affordable housing. Wade Loring asked about the 40-acre exemption. Brenda Gould said that the town has a regulation but doesn't have an ordinance. Duane Abbott pointed out that Article 26.1 & Article 26.2 took up the 40-acre exemption & roads which could be voted on after. The motion was then put to a vote and passed by a show of hands.

Article 26.1 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section III. Definitions

- A. Subdivision - A subdivision shall mean the division of a tract or parcel of land or structure as defined in Title 30, M.R.S.A., Section 4956 and as hereafter amended. The term subdivision shall also include such developments as multiple-family dwelling(s), shopping centers, condominiums, industrial parks and campgrounds, where there are three or more structures or units involved.

~~The Town of West Paris hereby exercises its power as granted in Title 30 M.R.S.A., Section 4956, to include lots of forty (40) acres or more as lots for the purposes of defining and reviewing subdivisions.~~

Motion was made by James Andrews & seconded to accept as written. Motion was carried.