

CITY OF EASTPORT

PLANNING BOARD STANDARDS

for

REVIEWING LAND SUBDIVISIONS

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- ability of the local government to provide municipal or governmental services;
- 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;
 - j. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;
 - k. The subdivider has adequate financial and technical capacity to meet the above stated standards.
 - l. Whenever situated, in whole or part, within 250 feet of any tidal waters, will not adversely affect the shoreline of such water body.
 - m. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of such water.

ARTICLE II AUTHORITY AND ADMINISTRATION

2.1 Authority

- 2.1.1 These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., Chapter 454, Section 4956
- 2.1.2 These standards shall be known and may be cited as "Subdivision Standards of the Planning Board of the City of Eastport, Maine".

2.2 Administration

- 2.2.1 The Planning Board of the City of Eastport, Maine, hereinafter called the Board, shall administer these standards.
- 2.2.2 The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of Eastport.

ARTICLE I PURPOSE

1.1 The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the City of Eastport, Maine, the Planning Board 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 solid and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on 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 solid and sewage waste disposal;
- g. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- h. Will not place an unreasonable burden on the

ARTICLE III DEFINITIONS

3.1 In general, words and terms used in these standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows. k

Construction Drawings- Drawings showing location, profile, grades, size and types of drains, sewers, water mains, underground ducts (fire alarm, telephone or power), pavements, cross-section of streets, miscellaneous structures, etc.

Easement- The authorization of a property owner for the use by another, and for a specific purpose, of any designated part of his property.

Final Subdivision Plan- The final drawings on which the subdivider's plan of subdivision is presented to the Planning for approval and which, if approved, may be filed for record with the City of Eastport and the County Registry of Deeds.

Legislative Body- City Council

Municipality- City of Eastport

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

Official Submittal Date- The time of submission of a Pre-application Plan, Final Plans of a Minor Subdivision, Preliminary Plan for Major Subdivision, or Final Plan for Major Subdivision shall be considered the submission date of the application for such Plan approval to the Board, complete and accompanied by any required fee and all data required by these standards.

ARTICLE (3)

Preliminary Subdivision Plan- The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Re-subdivision- The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivide.

Street- Includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

Subdivision- the division of a tract or parcel of land into 3 or more lots for the purpose, immediate or future, of lease, sale, development or building, whether this division is accomplished by immediate platting of the land or by sale of the land by metes and bounds. The term shall include the subdivision of land for non-residential purposes and the re-subdivision of land.

Subdivision, Major- Any subdivision containing more than four lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor- A subdivision containing not more than four lots

ICLE IV PREAPPLICATION

4.1 Procedure

- 4.1.1 In order that the Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be employed on topographic maps and grading plans for the subdivision, the subdivider shall arrange for a joint inspection of the site with the Board or Board member, or individual appointed by the Chairman to act as the Board's representative for such inspection.

- 4.1.2 At the time of the preapplication inspection, the subdivider shall submit or informal discussion a Sketch Plan and other data relative to proposed subdivision which may be of assistance to the Board in making its determinations.
- 4.1.3 After such preliminary inspection, the board shall within 30 days inform the subdivider in writing of the contour interval which will be required for his subdivision plans; and will classify the Sketch Plan into one of two categories as defined herein:

Minor Subdivision
Major Subdivision

- 4.1.4 If classified as a Minor Subdivision the subdivider shall comply with the procedure outlined in Article V of these standards. If classified as a Major Subdivision the subdivider shall comply with procedures outlined in Articles VI and VII of these standards.
- 4.1.5 The Board shall determine whether the Sketch Plan complies with these standards and shall, where it deems necessary, make specific suggestions in writing to be incorporated by applicant in his subsequent submissions.

4.2 Submissions

- 4.2.1 The sketch Plan shall be submitted to the Planning Board at the time of or prior to the on-site inspection.
- 4.2.2 The Sketch Plan shall show, in simple sketch form on a topographic map the proposed layout of streets, lots, and other features in relation to existing conditions.
- The Sketch Plan, which may be a free-hand penciled sketch, should include the data listed in Section 5.3 or such of it as the Board determines necessary for its consideration of the proposed Sketch Plan.
- 4.2.3 General subdivision information shall describe or outline the existing conditions

ARTICLE V REVIEW AND APPROVAL OF MINOR SUBDIVISION

5.1 General

- 5.1.1 The Planning Board may require, where it deems it necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with all or any of the requirements specified for Major Subdivisions.

5.2 Procedure

- 5.2.1 Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Final Plan* at least seven (7) days prior to a scheduled meeting of the Board. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- 5.2.2 All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee of \$150, payable by check to the Town of Harrington stating the specific purpose of the fee.
- 5.2.3 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
- 5.2.4 The time of submission of the Final Plan shall be as defined in Article III "Definitions."
- 5.2.5 The Planning Board shall, within forty-five (45) days from the date of submission, approve, modify and approve, or disapprove the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval. If the board fails to take action within forty-five (45) days as specified above, the Final Plan shall be deemed disapproved.

5.3 Submissions

- 5.3.1 The subdivision plan for a Minor Subdivision shall consist of one original and three copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch, which shall be

* (See Appendix xiv for sample Final Plan)

legibly reproduced on a durable material or clearly drawn in India ink on linen, and the size of the sheets shall be 8½ x 11 inches or a multiple thereof, but in no case larger than 34 x 44 inches. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The application for approval of a Minor Subdivision shall include all the information presented on the Sketch Plan plus the following:

- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan.
- (3) A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal, will be made in accord with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study.
- (4) All on site sewerage and water supply facilities shall be shown designed to meet the minimum specifications of these standards and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licensed civil engineer.
- (5) Proposed name of the subdivision or identifying title, and the name of the Municipality in which it is located.

- (6) The date, north point, graphic map scale, name and address of record owner and subdivider, and names of adjoining property owners.
- (7) A soil erosion and sediment control plan containing the endorsement of the Washington County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission.

of the site and the proposed development as necessary to supplement the drawing required above.

This information shall include data on existing covenants, medium intensity soil survey and soil interpretation sheets, and available community facilities and utilities and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.

**ARTICLE V REVIEW AND APPROVAL OF MINOR
SUBDIVISION**

**ARTICLE VI PRELIMINARY PLAN FOR MAJOR
SUBDIVISION**

6.2 Procedure

- 6.1.1 Within six months after classification of the Sketch Plan as a Major Subdivision by the Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for a Major Subdivision. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- 6.1.2 The application for conditional approval of the Preliminary Plan shall be accompanied by a fee of \$150.00 per lot for each lot in excess of four shown thereon, payable by check to the City of Eastport stating the specific purpose of the fee.
- 6.1.3 The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- 6.1.4 The time of submission of the Preliminary Plan shall be as defined in Article III "Definitions".

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- 6.1.5 Within 45 days after formal submission of a Preliminary Plan, The Planning Board shall take action to give preliminary approval, with or without modifications, or disapprove such Preliminary Plan. The reasons of any modifications required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Board to act within such 45 day period shall constitute disapproval of the Preliminary Plan. Prior to preliminary approval, the Board shall hold a public hearing.
- 6.1.6 When granting preliminary approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the Final Plan; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare. (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the Board plus any conditions imposed shall be noted on three copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Board, and one forwarded to the Municipal Officers.
- 6.1.7 Preliminary approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, The Board may require additional changes as a result of further study of the subdivision in final or as a result of new information obtained at a public hearing.

6.2 Submissions

6.2.1 **Location Map** The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over 400 feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. the Location Map shall show: (1) all the area within 2000 feet of any property line of the proposed subdivision, or; (2) any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the Location Map is at least 500 feet from any boundary of the proposed subdivision. Within such area the Location Map shall show:

(1) All existing subdivisions and approximate tract lines of acreage parcels together with the names of the record owners of all adjacent parcels of land, namely those directly abutting the proposed subdivision.

(2) Locations, widths, and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1) above.

(3) The boundaries and designations of zoning districts, school districts and parks and other public spaces.

(4) An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

6.2.2 **Preliminary Plan** The Preliminary Subdivision Plan Shall be submitted in four copies of one or more maps or drawings which may be printed or reproduced on paper width

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all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than 100 feet, showing or accompanied by the following information:

- (1) Proposed subdivision name or identifying title, and the name of the municipality
- (2) Name and address of record owner, subdivider and designer of Preliminary Plan.
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses, and other essential existing physical features.
- (4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (5) The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.
- (6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- (7) Location, names and present widths of existing streets, highways, easements, building lines, alleys, parks, and other public open spaces.
- (8) The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the subdivider.
- (9) Contour lines at intervals of not more than five feet or at such

intervals as the Board may require, based on United States Geological Survey datum of existing grades where change of existing ground elevation will be five feet or more.

(10) A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal, will be made in accord with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study.

(11) Typical cross sections of the proposed grading for roadways and sidewalks.

(12) Date, true north point and graphic scale

(13) Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.

(14) Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.

(15) Connection with existing water supply or alternative means of providing water supply to the proposed subdivision

(16) If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location and results of

percolation tests

(17) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

(18) Preliminary designs of any bridges or culverts which may be required.

(19) The proposed lot lines with approximate dimensions and suggested locations of buildings.

(20) The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.

(21) All parcels of land proposed to be dedicated to public use and the and the conditions of such dedications.

(22) The location of all natural features or site elements to be preserved.

(23) A soil erosion and sediment control plan containing the endorsement of the Washington County Soil and Water Conservation District.

ARTICLE VII FINAL PLAN FOR MAJOR SUBDIVISION

7.1 Procedure

- 7.1.1 The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Board an application for approval of the Final Subdivision Plan in form described herein. If the Final Plan is not submitted to the Board within six months after the approval of the Preliminary Plan, the Board may refuse without prejudice to act on the Final Plan and require re-submission of the Preliminary Plan. All applications for Final Plan approval for Major Subdivision shall be accompanied by a fee of \$100.00

payable by check to the City of Eastport.

7.1.2 The time of submission of the Subdivision Plan shall be as defined in Article III.

7.1.3 If the proposed subdivision:

- a) Occupied a land area in excess of 20 acres, or
- b) involves a structure or structures having in excess of 60,000 square feet of ground area coverage, or
- c) Requires a license from the Department of Environmental Protection under some other regulation such as waste discharge or air quality. or
- d) In any other way falls within the jurisdiction of and is subject to review by the State of Maine Environmental Commission, then;

The approval of the State of Maine Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.

7.1.4 Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:

- a) The servicing Water Department if existing public water service is to be used.
- b) The State of Maine Department of Health and Welfare if the subdivider proposes to provide a central water supply system, or
- c) A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Health and Welfare.

Such approval shall be secured before official submission of the Final Plan.

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7.1.5 Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

- a) The servicing Sanitary Sewer District if existing public disposal systems are to be used, or
- b) The State of Maine Department of Health and Welfare if a separate central sewage collection and treatment system is to be utilized, or if individual septic tanks are to be installed.
- c) The Maine Department of Environmental Protection, if the municipal system to be utilized is inadequate by State standards and the waste generated is of a significant nature, or if the waste is to be discharged, treated or untreated into any body of water.

Such approval shall be secured before official submission of the Final Plan.

7.1.6 A public hearing shall be held by the Board within 30 days after the time of submission of the Final Plan for approval. Notice of this hearing shall follow the procedures outlined in the Eastport Zoning Ordinance.

7.1.7 Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Board, file with the City Treasurer either a certified check or a performance bond to cover the full cost of the required improvements. In lieu of this requirement, the Board may decide to withhold any building permits until the necessary improvements have been completed to their satisfaction.

7.1.8 The Board shall, within 45 days from the public hearing, approve, modify and approve, or disapprove the Final Plan. The reasons of any modification required or the grounds for disapproval shall be stated in the records of the Board. Failure of the Board to act within such 45 day period shall constitute disapproval of the Final Plan.

7.2 Inspection of Required Improvements

- 7.2.1 At least 5 days prior to commencing construction of improvements the subdivider shall pay an inspection fee equal to either 2 percent of the cost of the required improvements, or the estimated cost of inspection by an engineer appointed by the Board, whichever is less. The subdivider shall notify the City Council in writing of the time when he proposes to commence construction of such improvements so that the Council can cause inspection to be made to assure that all City specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
- 7.2.2 If the engineer shall find, upon inspection of the improvements performed before expiration of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the City Council, Building Inspector, and Planning Board. The Council shall then notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the City's rights under the bond. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved plan.
- 7.2.3. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the engineer may, upon approval of the Board, authorize modifications provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The engineer shall issue any authorization under section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.

- 7.2.4 The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the City Council.

7.3 Submissions

- 7.3.1 The Final Plan shall consist of four copies of one or more maps or drawings which shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:

- 1) All of the information presented on the Preliminary Plan and Location Map and any amendments suggested or required by the Board.
- 2) The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.
- 3) Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
- 4) Sufficient data acceptable to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.
- 5) The 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.
- 6) By proper designation, all public open space for which offers of cessation are made by the subdivider and those spaces to which title is reserved by him.

7) Lots and blocks within the subdivision numbered in accordance with local practice.

8) Permanent reference monuments shown thus "X". They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.

7.3.2 These shall be submitted to the Board with the Final Plan:

1) Written offers of cession to the City of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained

2) Written evidence that the City Council are satisfied with the legal sufficiency of the documents referred to in Paragraph (1), above. Such written evidence shall not constitute an acceptance by the City of any public open space referred to in paragraph (1), above.

3) A performance bond to secure completion of all required improvements if such bond is required by the Board. The City Council must state in writing that they are satisfied with the sufficiency of such bond.

7.4 Final Approval and Filing

7.4.1 Upon completion of the requirements in Articles VI & VII above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Board and shall be filed by the applicant at City Hall. The Plan shall then be filed with the Washington County Registry of Deeds. Any subdivision Plan not so filed or recorded within 90 days of the date upon which such Plan is approved and signed by the Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the

Board to grant an extension which shall not exceed two additional periods of 90 days each.

- 7.4.2 At the time the 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 of the Plan. The applicant may file a section of the approved Plan at City Hall 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, the Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the City Council, Planning Board and the subdivider.

7.5 Plan Revisions after Approval

- 7.5.1 No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the City and the Registry of Deeds.

7.6 Public Acceptance of Streets, Recreation Areas

- 7.6.1 The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the City of any street, easement, or other open space shown on the Plan.
- 7.6.2 When a park, playground, or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the City of such areas. The Board shall require the Plan to be endorsed with appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the City Council covering future deed and title, dedication, and provisions for the cost of grading, development, equipment, and

maintenance of any such recreation area.

ARTICLE VIII ENFORCEMENT

- 8.1 No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan thereof shall have been approved by the Board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in these standards, nor until such approval shall have been entered on such Final Plan by the Board.
- 8.2 No person, firm, corporation or other legal entity may convey, offer, or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds
- 8.3 Any person, firm, corporation or legal entity who conveys, offers, or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1000.00 for each such conveyance, offering or agreement. The Attorney General or the City Council may institute proceedings to enjoin the violation of this section.
- 8.4 No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- 8.5 Not only is making a subdivision without Board approval a violation of law, but also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved, and endorsed as provided in these standards, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Washington County Registry of Deeds.

TABLE IX GENERAL REQUIREMENTS

- 9.1 In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.
- 9.2 Any proposed subdivision shall be in conformity with The Eastport Comprehensive Plan and with the provisions of all pertinent state and local codes and ordinances.

9.3 Relationship to Community Services

- 9.3.1 Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of the lots; and the list of construction and maintenance items that must be borne by the City which shall include, but not be limited to:

- > Schools, including buses
- > Road maintenance and snow removal
- > Police and fire protection
- > Solid waste disposal
- > Recreation facilities
- > Runoff water disposal drainage ways and/or storm sewer enlargement with sediment traps

- 9.3.2 The Board shall further require the developer of a Major Subdivider to provide accurate cost estimates to the town for the above services, and the expected tax revenue of the subdivision.

9.4 Retention of Proposed Public Sites and Open Spaces

- 9.4.1 Depending on the size and location of the subdivision, the Board may require the developer to provide up to 10% of his total area for recreation. It is desirable that areas reserved for recreation be at least 5 acres in size and easily accessible from all lots within the subdivision.
- 9.4.2 Land reserved for park and/or recreational purposes shall be of a character,

configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

- 9.4.3 Where the proposed subdivision is located on a sea coast, a portion of the waterfront area, when feasible, shall be included in the reserved land. The land so reserved shall be at least 200 feet wide measured perpendicularly from the normal high water mark.
- 9.4.4 If the Board determines that the reservation of land for parks and/or recreational purposes would be inappropriate, the Board may waive the requirement of land reservation on the condition that the subdivider deposit a cash payment in lieu of land reservation with the City Clerk. Such payment shall be placed in a trust fund to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds and other recreational purposes. The amount of such payment shall be @250.00 for each lot approved on the Final Plan.
- 9.4.5 The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

9.6 Land not Suitable for Development

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9.6.1 The Board shall not approve such portions of any proposed subdivision that:

- a) are situated below sea level
- b) are located within the 100 year frequency floodplain as identified on the FIRM map of Eastport.
- c) 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 and treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled tidal wetlands.
- d) employs septic sewage disposal and is located on soils rated poor or very poor by the Soil Suitability Guide for land Use Planning in Maine. Where soils are rated fair for sewage disposal, the minimum lot size shall be 40,000 square feet.

9.6.2 Wherever situated, in whole or in part, within 250 feet of the high water line of any tidal waters, a proposed subdivision shall conform to the following requirements: No part of any septic sewerage disposal system,; no roads, except for crossings and property access; and no dwellings, shall be installed or constructed within 100 feet of said water.

9.7 Blocks

9.7.1 The length, width and shape of blocks shall be determined with due regard to:

- a) provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b) Zoning requirements as to lot sizes and dimensions.
- c) Needs for convenient access, circulation, control and safety of street traffic.
- d) Limitations and opportunities of topography.

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- 9.7.2 In blocks exceeding 800 feet in length, the Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four foot wide paved foot path be included. The Board shall require the subdivider to provide for the proper maintenance of any such easement.

9.8 Lots

- 9.8.1 The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- 9.8.2 Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
- 9.8.3 The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage of 100 feet on a public street.
- 9.8.4 Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the lines of lots abutting such a traffic artery or other disadvantageous use.
- 9.8.5 Side lot lines shall be substantially at right angles or radial to street lines.
- 9.8.6 Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning District in which a subdivision is located, 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 standard.

9.9 Easements for Natural Drainage Ways

- 9.9.1 Where a subdivision is traversed by a natural watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed of properly. Such easement or right-of-way shall be not less than 30 feet in width.

9.10 Utilities

- 9.10.1 The size, type and location of public utilities, such as street lights, electricity, telephones, gas lines, fire hydrants, etc. shall be approved by the Board and installed in accordance with local practice.
- 9.10.2 Utilities shall be installed underground except as otherwise approved by the Board.

9.11 Additional Requirements

- 9.11.1 Street trees, esplanades, and open green spaces may be required at the discretion of the Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
- 9.11.2 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 properties that are so endangered.

9.12 Required Improvements

- 9.12.1 The following are required improvements: monuments, street signs, streets, sidewalks, water supply, sewage disposal, and storm drains, except where the Board may waive or vary such improvements in accordance with the provisions of these standards.

ARTICLE X DESIGN STANDARDS

10.1 MONUMENTS

- 10.1.1 Permanent monuments shall be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curvature.
- 10.1.2 Stone or precast concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level, and indicated on the Final Plan. After they are set, drill holes, 1/2 inch deep shall locate the point or points described above.
- 10.1.3 All other subdivision boundary corners and angle points as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors..

10.2 STREET SIGNS

- 10.2.1 Streets which join or 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 and shall be subject to the approval of the Board.
- 10.2.2 Street name signs shall be furnished and installed by the subdivider.. The type, size and location shall be to the approval of the Highway Superintendent.

10.3 STREETS

10.3.1 Classification.

In accordance with a Comprehensive Plan of the municipality and for the purposes of these standards, streets are classified by function as follows:

- (1) Major Streets . The term "Major Street" includes Arterial Streets which serve primarily as major traffic ways for travel between and through towns; and Collector Streets, which serve as feeders to arterial streets, as collectors of traffic from minor streets, or with average daily traffic of 200 vehicles per day or greater.
- (2) Minor Streets. Local streets which are used primarily for access to abutting residential, commercial or industrial properties and have an average daily traffic of less than 200 vehicles per day.

10.3.2 LAYOUT

- 10.3.2.1 Proposed streets shall conform, as far as practical, to the Eastport Comprehensive Plan.
- 10.3.2.2 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.
- 10.3.2.3 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 safety, and their appropriate 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.
- 10.3.2.4 In the case of dead-end streets, where needed or desirable, 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.
- 10.3.2.5 Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Highway Superintendent.
- 10.3.2.6 In front of areas zoned and designed for

commercial use, or where a change of zoning to B-1 or B-2 is contemplated by the City, 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 assume 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 less than 40 feet nor have less than 2 twelve foot travel lanes and 2 eight foot parking lanes.

- 10.3.2.7 Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
- 10.3.2.8 Where a subdivision borders an existing narrow road (below standards set herein) 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 subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment or Widening Purposes". 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 be counted in satisfying setback or yard area requirements of the Zoning Ordinance.
- 10.3.2.9 Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is, 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.

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10.3.2.10 Subdivisions expected to generate average daily traffic of 200 trips per day or more, shall have at least two street connections with existing public streets or streets shown on the Official Map or streets on an approved Subdivision Plan.

10.3.2.11 Entrances onto existing or proposed collector streets shall not exceed a frequency of one per 400 feet of street frontage. Entrances onto existing or proposed arterial streets shall not exceed a frequency of one per 1000 feet of street frontage.

10.3.2.12 Minor streets in the subdivision shall be so laid out that use by through traffic will be discouraged.

10.3.3 DESIGN AND CONSTRUCTION STANDARDS

10.3.3.1 All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Planning Board.

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS

Item	arterial streets	collector streets	minor streets
1. Minimum width	80'	50'	50'
2. Minimum width pavement	44'	24'	20'
3. Minimum grade	.5%	.5%	.5%
4. Maximum grade	5%	6%	8%
5. Maximum grade at intersections	3% w/in 75 ft of intersections		
6. Minimum angle of intersections	90	60	60
7. Width of shoulders	5'	3'	3'
8. Minimum center-line radii on curves	300'	200'	200'
9. Minimum tangent length between reverse curves	300'	200'	100'

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10. Road base (minimum)	24''	18''	18''
Sub-base/bank gravel	18''	15''	12''
Upper base/crush gravel	10''	8''	8''
11. Bituminous paving	2.5''	2.5''	2''
12. Road crown (minimum)	1/4''/ 1 foot		
13. Sidewalks			
Width (minimum where req'd)	8'	5'	5'
Base course (gravel)	--8''--		
Surface	2'' Bituminous hot-top		
14. Dead-end or cul-de-sac streets			
Width	60'		
Length not more than	600'		
Radii of turn around			
Property line (minimum)	65'		
Pavement (minimum)	50'		
15. Property line radii at intersection (minimum)	10'		
16. Curb radii at intersections			
90% intersections	-25'--		
Less than 90%	--30%--		

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

10.3.3.3 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 200 feet.

10.3.3.4 Intersections of streets shall be at angles as close to ninety degrees as possible and in no case shall city streets intersect at an angle smaller than sixty degrees. To this end where one street approaches another between 60-90 degrees the former street should be curved approaching the intersection.

10.3.3.5 Cross (four-cornered) street intersection shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least 200

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feet shall be maintained between center lines of offset intersecting streets.

- 10.3.3.6 Street lines at intersections shall be cut back to provide for curb radii of not less than 25 feet for 90' degree intersections and 30 feet for intersections less than 90'.
- 10.3.3.7 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 20 foot sight lines between intersection streets shall be cleared of all growth (except isolated trees) and obstructions which will materially impede vision between a height of two and one-half to ten feet above curb level. If directed, ground shall be excavated to achieve visibility.
- 10.3.3.8 A dead end street or cul-de-sac shall not exceed 600 feet in length and shall be provided with a suitable turn-around at the closed end. When a turning circle is used, it shall have a minimum outside curb radius of 65 feet.
- 10.3.3.9 All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of pavement and erosion of adjacent surfaces.
- 10.3.3.10 Side slopes shall be constructed according to the guidelines set forth in Article VI section 19.4 of the Eastport Zoning Ordinance.
- 10.3.3.11 Streets shall be rough-graded to the full width of the right-of-way.
- 10.3.3.12 Street curbs and gutters shall be required on all streets.
- 10.3.3.13 All roadways within the subdivision shall be constructed according to road specifications herein as overseen by the Highway Superintendent.

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10.3.4 PLANTING

- 10.3.4.1 All esplanades or planting strip areas at sides of streets shall receive at least 6 inches of compacted top-soil (loam) free of stones over one inch in diameter, sods and clay. Base material shall be removed prior to placement of topsoil.
- 10.3.4.2 Planting strips are to be limed at the rate of one pound per ten square feet and fertilized at the rate of one pound of a 10-10-10 fertilizer per fifty square feet or equivalent and seeded with a conservation mix endorsed by Washington County Soil and Water Conservation District.
- 10.3.4.3 When required by the Planning Board, street trees shall be planted in the esplanades of all new streets.
- 10.3.4.4 Trees of the 1st magnitude (Birch, Beech, Linden, Oak, Pine, Sugar Maple, Basswood) shall be planted at 40-60 foot intervals.
- 10.3.4.5 Trees of the 2nd magnitude (Hawthorn, Flowering Crabapple, etc) may be planted at intervals of less than 40 feet.

10.4 SIDEWALKS

- 10.4.1 Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street, and at such locations as the Board may deem necessary.

10.5 WATER SUPPLY

- 10.5.1 A public water supply system with fire hydrants shall be installed at the expense of the subdivider, or if service to each lot by a public water system is not feasible, individual wells may be allowed. Responsibility for providing a permanent water supply rests with the subdivider.
- 10.5.2 The subdivider shall demonstrate by actual test or by a signed affidavit from the manager of the Passamaquoddy Water District that water meeting Public Health Service Drinking Water Standards can be supplied to

the subdivision at the rate of at least 350 gallons per day per dwelling unit and at an adequate pressure for fire fighting purposes. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the water district and the Fire Chief.

- 10.5.3 Storage shall be provided as necessary to meet peak domestic demands and fire protection needs.
- 10.5.4 The subdivider shall demonstrate in the form of signed affidavits from the Passamaquoddy Water District or by engineering reports from a registered civil engineer that the proposed subdivision will not result in an undue burden on the source, treatment facilities or distribution system involved, or provide adequate assurance that such source, treatment facility or distribution system will be modified to meet the expanded needs.
- 10.5.5 The minimum water main permitted shall be 6-inch and shall be installed at the expense of the subdivider.
- 10.5.6 The water supply system shall be designed and installed in accordance with requirements of the Maine Department of Health and Welfare.
- 10.5.7 Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other ground water sources.
- 10.5.8 If a central water supply system is provided by the subdivider, location and protection of the source, as well as design, construction, and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations included in the *Manual for Evaluating Public Drinking Water Supplies*, Public Health Service.

10.6 SEWAGE DISPOSAL

- 10.6.1 A sanitary sewer system, if required by the

City of Eastport Sewer Ordinance, shall be installed at the expense of the subdivider. Otherwise, individual septic tanks may be used which likewise shall be installed at the subdivider's expense.

- 10.6.2 If not on public sewer, 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.
- 10.6.3 Connections of sanitary sewer lines shall comply with the standards of the Eastport Sewer Ordinance.

10.7 SURFACE DRAINAGE

- 10.7.1 Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, and storm drains in conformance with the policies of the Comprehensive Plan. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains, except where retention basins are designed or ground water recharge is desirable.
- 10.7.2 Where a subdivision is traversed by a stream or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-ways with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the City allowing maintenance and improvement of the system.
- 10.7.3 The subdivider shall provide a statement from a Maine registered civil engineer that the proposed subdivider will not create erosion, drainage or runoff problems either in the subdivision or in adjacent properties. The subdivider shall submit a

surface drainage plan showing ditching, culverts, easements and other proposed improvements.

- 10.7.4 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.
- 10.7.5 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.
- 10.7.6 To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline shall conform with Section VI.7 of The Eastport Zoning Ordinance.

ARTICLE XI RELEASE OF GUARANTY CHECK OR BOND

- 11.1 Before a subdivider may be released from any obligation required by his guarantee of performance, the Board will require certification from the engineer and whatever agencies and department that may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances.

ARTICLE XII VARIANCES AND WAIVERS

- 12.1 Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, Comprehensive Plan, or the Zoning Ordinance.
- 12.2 Where the Board finds that, due to special circumstances of a particular Plan, the provision

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of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

- 12.3 In granting variances and modifications, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

ARTICLE XIII APPEALS

- 13.1 An appeal from a decision of the Board may be taken to The Eastport Zoning Board of Appeals or to the Superior Court