

SUBDIVISION ORDINANCE

FOR THE

TOWN

OF

ISLAND FALLS

June 18, 1993

Subdivision Ordinance for the Town of Island Falls

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Subdivision Ordinance of the Town of Island Falls

SECTION I Purpose

The purpose of this Subdivision Ordinance shall be:

- A. To assure the comfort, convenience, health, safety, and general welfare of the inhabitants of Island Falls;
- B. To provide for an expeditious and efficient process for the review of proposed subdivision;
- C. To clarify the criteria of the state Subdivision Law, Title 30-A, MRSA, Sections 4401-4406;
- D. To assure that new development in the Town of Island Falls meets the goals and conforms to the policies of the Island Falls Comprehensive Plan;
- E. To protect the environment and conserve the natural and cultural resources identified in the Island Falls Comprehensive Plan as important to the community;
- F. To assure a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- G. To minimize the potential impacts from new subdivisions on neighboring properties and on the town; and
- H. To promote the development of an economically sound and stable community.

SECTION 2 Authority, Administration, and Effective Date

A. Authority

1. This ordinance is adopted pursuant to and consistent with Title 30-A, MRSA, Section 4401-4407 and Section 3001.
2. This ordinance shall be known and cited as the "Subdivision Ordinance of the Town of Island Falls."

B. Administration

1. The Planning Board for the Town of Island Falls, hereinafter called the Board, shall administer this ordinance.
2. The provisions of this ordinance shall apply to all of the land and buildings of all proposed subdivisions, as defined, located in the Town of Island Falls.

C. Effective Date

The effective date of this ordinance is June 18, 1993.

SECTION 3

Definitions

In the interpretation and enforcement of this ordinance, all words other than those specifically defined in the ordinance shall have the meaning implied by their context in the ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this ordinance and any map, illustration, or table, the text shall control.

The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The word "shall" is mandatory, the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel."

The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The word "town" means the Town of Island Falls, Maine.

The word "regulation" means "ordinance" whenever found in this text.

Accessory Use or Structure: A use or structure which is customarily and in fact both incidental and subordinate to the principle use of the structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principle use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

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

Authorized Agent: Any one having written authorization to act in behalf of a property owner, signed by the property owner.

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

Basement: The enclosed area underneath a structure, typically having a masonry floor and walls which comprise the structure's foundation. The clear height up to the joists supporting the floor directly above is three feet or greater.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or personal property.

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

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

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

Code Enforcement Officer (CEO): A person appointed by the town officers to administer and enforce this ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Common Open Space: Land within or related to a subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the subdivision or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the usable open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this ordinance, or by a vote by the Planning Board to waive the submission of required information. The Planning Board shall issue a written statement to the applicant upon its determination that an application is complete.

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

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, and expression of policies for achieving these goals, and a strategy for implementation of the policies.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or usable open space values of real property; assuring its availability for agricultural, forest, recreational or usable open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

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

Driveway: A vehicular access-way serving two dwelling units or less.

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes, but not recreational vehicles.

Single-Family Dwelling: A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

Two-Family Dwelling: A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another; with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

Easement: A right, such as a right-of-way, afforded a person to make limited use of another's real property.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

Family: One or more persons occupying a premises and living as a single housekeeping unit.

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

Floodplain: The lands adjacent to a body of water which have been or may be covered by the base flood.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller. (6 meters = 19.865 feet)

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. Inundated or saturated by surface of ground water at a frequency and for a duration sufficient to support and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

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

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

Level of Service: A description of the operating conditions a driver shall experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, 1985 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this ordinance, and having frontage upon a public street, right-of-way or private way.

Manufactured Housing Unit: Structures, transportable in one or two sections, constructed in a manufacturing facility and transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home: A manufactured housing unit constructed prior to June 15, 1976.

Mobile Home Park: A plot of land designed and/or used to accommodate two (2) or more manufactured housing units.

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

Normal High-Water Line of Waters: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In the case of wetlands adjacent to rivers and Great Ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water. In places where the shore or bank is of such character that the high water line cannot be easily determined (rockslides, ledges, rapidly eroding, or slumping banks) the normal high water line shall be estimated from places where it can be determined by the above method.

100 Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

Permanent Markers: No person, firm, corporation or other legal entity may sell or convey any land in an approved subdivision unless as least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" includes the following:

1. A granite monument;
2. A concrete monument;
3. A drill hole in ledge;
4. An iron pin; or
5. A steel bar no less than 1/2" in diameter and 3" in length.

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

Planning Board: The Planning Board of the Town of Island Falls.

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

Principal Use: The primary use other than one which is wholly indecental or accessory to another use on the same premises.

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Improvements: The furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified the Planning Board.

Public Water System: A water supply system that provides water to at least fifteen service connections or services water to at least 25 individuals daily for at least thirty days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Aroostook County Registry of Deeds and which need show on information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Resubdivision: The further division of a lot within a subdivision existing after September 23, 1971, regardless of the number of lots, change of a lot size therein, or the relocation of any street or lot line within a subdivision.

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

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

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

for subdivision approval. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another waterbody or wetland within a shoreland zone.

Street: An existing state, county, or town way; a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the Aroostook County Registry of Deeds; or a street dedicated for public use and shown on a plan duly recorded in the Aroostook County Registry of Deed prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways which have been discontinued or abandoned.

Street Classification:

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the town. For purposes of this ordinance the only arterial in Island Falls is Route 2.

Collector Street: A street which serves as a feeder to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Residential Street: A street servicing for the most part only residential properties.

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

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes, but not including signs, sidewalks, fences, patios, driveways, and parking lots.

Subdivision: The division of a tract or parcel of land into 3 or more lots within a five year period, whether accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" shall also include the division of any structure or structures on a tract or parcel of land into 3 or more commercial, industrial, or dwelling units or combination thereof.

1. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, unless otherwise exempted herein is considered to create a 3rd lot, unless:
 - a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence or for usable open space land as defined in Title 36,

Section 1102; or

- b. The division of the tract or parcel is otherwise exempt under this definition.
2. The dividing of a tract or parcel of land an the lot or lots so made, which dividing or lots when made are not subject to this ordinance, do not become subject to this ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by subsequent dividing.
3. A lot of 40 or more acres shall be counted as a lot for the purpose of this definition.
4. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to the Town of Island Falls or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of that transferor in any transfer or gift within this paragraph is to avoid the objectives of this section. If the real estate exempt under this paragraph by gift to a person related to the donor by blood, marriage, or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage, or adoption, then that exempt division creates a lot or lots for the purpose of this definition.
5. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structure legally existed before September 23, 1971 is not a subdivision.
6. In determining the number of dwelling units in a structure the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.
7. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the Planning Board has determined that the units are otherwise subject to town review at least as stringent as that required under this ordinance.
8. Nothing in this ordinance may be construed to prevent the Town of Island Falls from enacting an ordinance under its home rule authority which expands the definition of subdivision or which otherwise regulates land use activities.
9. The grant of bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph 4, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.
10. For the purposes of this definition, a new structure or structures includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this ordinance.

11. For the purposes of this definition, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Town Engineer: Any registered professional engineer hired or retained by the town, either as staff or on a consulting basis.

Tract or Parcel of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, tidal waters where there is no flow at low tide, or a private road established by the abutting land owners.

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

SECTION 4 Exceptions

This ordinance does not apply to:

- A. **Previously Approved Subdivisions.** Proposed subdivisions approved by the Planning Board or town officers before September 23, 1971 in accordance with laws then in effect;
- B. **Previous Existing Subdivisions.** Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law; or
- C. **Previously Recorded Subdivisions.** A subdivision, a plan of which had been legally recorded in the Aroostook County Registry of Deeds before September 23, 1971.

SECTION 5 Procedures for Subdivision Review

- A. **Introduction.** The Planning Board shall review all requests for subdivision approval. On all matters concerning subdivision review the Planning Board shall maintain a permanent record of all its meetings, proceedings, and correspondences. In order to establish an orderly, equitable, and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Planning Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Planning Board members and any applicants appearing on the agenda, and posted at the town office. Applicants shall request to be placed on the Planning Board's agenda at least ten days in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Planning Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Planning Board so votes. However, the Planning Board shall take no action on any application not appearing on the Planning Board's written agenda.

- B. **Joint Meetings.** If any portion of a subdivision crosses town boundaries, the Planning Boards from each town shall meet jointly to discuss the application.
- C. **Resubdivision.** The further division of a lot within a subdivision, as defined herein, existing after September 23, 1971, or the change of a lot size therein or the relocation of any street or lot line within a subdivision shall require the written approval of the Island Falls Planning Board. Such resubdivision activity shall comply with all provisions of this ordinance.
- D. **Review Procedure.** The Planning Board may, after a public hearing, adopt, amend, or repeal additional reasonable ordinance governing subdivisions which shall control until amended, repealed or replaced by an ordinance adopted by the town's legislative body. The Planning board shall give at least seven (7) days notice of this hearing.
1. The ordinance shall provide for a multi-stage application procedure consisting of three (3) stages:
 - a. a pre-application sketch plan,
 - b. preliminary plan, and
 - c. final plan.

SECTION 6 Pre-Application Meeting and Sketch Plan Procedures

- A. **Purpose.** The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Planning Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant. All applications for sketch plan review of a subdivision shall be accompanied by a flat fee of \$50, payable by check to the Town of Island Falls to cover expenses.
- B. **Procedure.**
1. The applicant shall present the sketch plan and make a verbal representation regarding the site and the proposed subdivision.
 2. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated by the subdivider into the application.
 3. The date of the on-site inspection is selected.
- C. **Submission.** The pre-application sketch plan shall show, in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It shall be most helpful to both the subdivider and the Planning Board for site conditions such as steep slopes, wet areas, and vegetative cover to be identified in a general manner. The sketch plan shall be accompanied by:

1. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in sized.
 2. A copy of that portion of the Aroostook County Soil Survey covering the subdivision, showing the outline of the proposed subdivision.
- D. **Contour Interval and On-Site Inspection.** Within thirty days of the preapplication meeting, the Planning Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the preliminary plan. Contour lines shall be drawn at 10' intervals, unless indicated otherwise by the Planning Board. The application shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. Lot line flags shall be different colors from the centerline flags. The Planning Board reserves the right to postpone the on-site inspection if the Planning Board determines that the on-site inspection is not possible due to surface conditions of the site. These conditions shall include snow cover, flooding rains, and frozen ground.
- E. **Rights Not Vested.** The pre-application meeting, the submittal or review of the sketch plan, or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, MRSA, Section 302.
- F. **Establishment of File.** Following the pre-application meeting the Planning Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.

SECTION 7 Preliminary Plan Procedure and Requirements

A. Preliminary Plan Procedure.

1. Within six months after the on-site inspection by the Planning Board, the subdivider shall submit an application for approval of a preliminary plan at least ten days prior to a scheduled meeting of the Planning Board. Applications shall be submitted by mail to the Planning Board in care of the Island Falls Town Office or delivered by hand to the Island Falls Town Office. Failure to do so shall require resubmission of the sketch plan to the Planning Board. The preliminary plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Planning Board.
2. All applications for preliminary plan for a subdivision shall be accompanied by an application fee of \$50 per lot or dwelling unit, payable by check to the town.
3. The Planning Board may require that an expert consultant(s) be hired to assist in its review of an application. The applicant shall pay a reasonable fee necessary for such services. The Planning Board shall provide the applicant with notice of its intent to require such a fee, the purpose of the fee and its approximate amount. The applicant shall be given an opportunity to be heard on the purpose and the amount before the Planning

Board. After either being heard of waiving the right, the applicant shall pay the fee or appeal payment of the fee to the Board of Appeals. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

Irrespective of any other provision of this ordinance or any other ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay the fee for consulting services or appeal the fee determination. If the applicant appeals the payment of the fee to the Board of Appeals, the Board shall decide whether the fee is reasonable for the purpose found necessary by the Planning Board. The fee shall be placed in an interest bearing escrow account in the Town's name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision on the proposal.

4. Upon receipt of an application for preliminary plan approval of a subdivision, the Planning Board shall:
 - a. Issue a dated receipt to the applicant.
 - b. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 - c. Notify the Town Clerk and the Planning Board of the neighboring towns if any portion of the subdivision includes or crosses the town boundary.
5. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to present the preliminary plan application.
6. Within thirty days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.
7. Upon determination that a complete application has been submitted for review, the Planning Board shall issue a dated receipt to the subdivider. The Planning Board shall determine whether to hold a public hearing on the preliminary plan application.
8. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the town at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant.
9. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings

of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.

10. When granting approval to a preliminary plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
 - a. The specific changes which it shall require in the final plan;
 - b. The character and extent of the required improvements for which waivers may have been requested and which the Planning Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 - c. The construction items for which cost estimates and performance guarantees shall be required as prerequisite to the approval of the final plan.
11. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Planning Board upon fulfillment of the requirements of this ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Planning Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

B. Requirements.

The preliminary plan application shall consist of the following items.

1. Application Form.
2. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the town. The location map shall show:
 - a. Existing subdivisions in the proximity of the proposed subdivision.
 - b. Locations and names of existing and proposed streets.
 - c. Boundaries and designations of shoreland zoning districts
 - d. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
3. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) reduced

to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Planning Board member no less than seven days prior to the meeting.

4. **Preliminary Plan.** The application for preliminary plan approval shall include the following information. The Planning Board may require additional information to be submitted, where it finds it necessary in order to determine whether the criteria of Title 30-A, MRSA, Section 4404 are met.
 - a. Proposed name of the subdivision and the name of the town in which it is located, plus the tax map(s) and lot number(s).
 - b. Verification of right, title or interest in the property.
 - c. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
 - d. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
 - e. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
 - f. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site, the location of subsurface waste water disposal systems within 100 feet of the property lines, and the locations of the proposed subsurface waste water disposal systems shall be submitted.
 - g. Indication of the type of water supply system(s) to be used in the subdivision.
 - h. The date the plan was prepared, north point, and graphic map scale.
 - i. The names and addresses of the record owner, subdivider, and individual or company who prepared the plan and adjoining property owners.
 - j. A soil survey by a Registered Soil Scientist, if Wetland areas are identified on the survey, regardless of size.
 - k. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical fea-

tures. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted.

- l. The location of all rivers, streams, and brooks within or adjacent to the proposed subdivision.
- m. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
- n. The shoreland zoning district in which the proposed subdivision is located and location of any shoreland zoning boundaries affecting the subdivision.
- o. The location of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.
- p. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other usable open spaces on or adjacent to the subdivision.
- q. The width and location of any streets, public improvements or usable open space shown within a comprehensive plan, if any, within the subdivision.
- r. The proposed lot lines with approximate dimensions and lot areas.
- s. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- t. The location of any usable open space to be preserved and a description of proposed ownership, improvement and management.
- u. The area on each lot where existing forest cover shall be permitted to be removed and covered to lawn or other cover.
- v. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
- w. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer if
 1. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985; or

2. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Planning Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet of the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and proposed use of shared or common subsurface waste water disposal systems.

- x. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within a comprehensive plan.
- y. If the proposed subdivision is in the direct watershed of a great pond, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer areas or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

SECTION 8 Final Plan Procedure and Requirements

A. Final Plan Procedure.

1. Within six months after the approval of the preliminary plan, the subdivi-der shall submit an application for approval of the final plan at least ten days prior to a scheduled meeting of the Planning Board. Applications shall be submitted by mail to the Planning Board in care of the Island Falls Town Office delivered by hand to the Island Falls Town Office. If the application for the final plan is not submitted within six months after preliminary plan approval, the Planning Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Planning Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Planning Board prior to the expiration of the filing period. In considering the request for an extension the Planning Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that town ordinances or regulations which may impact on the proposed development have not been amended.

2. All applicants for final plan approval for a subdivision shall be accompanied by an application fee of \$50 per lot or dwelling unit payable by check to the Town of Island Falls. If a public hearing is deemed necessary

by the Planning Board, an additional fee shall be required to cover the costs of advertising and postal notification.

3. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
 - a. Maine Department of Environmental Protection, under the Site Location of Development Act, or if a Wastewater Discharge License is needed.
 - b. Maine Department of Human Services if the subdivider proposes to provide a public water system.
 - c. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.
 - d. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
4. Upon receiving an application for final plan approval, the Planning Board shall issue a dated receipt to the applicant.
5. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the final plan.
6. Within thirty days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.
7. Upon determination that a complete application has been submitted for review, the Planning Board shall issue a dated receipt to the subdivider. The Planning Board shall determine whether to hold a public hearing on the final plan application.
8. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the town at least seven days prior to the hearing.
9. The Planning Board shall notify the Road Commissioner, School Superintendent, State Police, County Sheriff's Department, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multifamily or commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
10. Before the Planning Board grants approval of the final plan, the subdivider shall meet the performance guarantee requirements of Section 10 (H).

11. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A, MRSA, Section 4404 and the standards of this ordinance. If the Planning Board finds that all the criteria of the Statute and the standards of this ordinance have been met, they shall approve the final plan. If the Planning Board shall either deny the application or approve the application with applications to ensure all of the standards shall be met by the subdivision. The reasons for any conditions shall be stated in the records of the Planning Board.

B. Final Plan Requirements.

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivision containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Planning Board. Two reproducible, stable based transparencies, one to be recorded at the Aroostook County Registry of Deeds, the other to be filed at the Town Office, and three copies of the plan shall be submitted. The subdivi-der may, instead submit one reproducible stable based transparent original of the final plan and one Recording Plan with three copies of the final plan. In addition, one copy of the final plan, reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Planning Board member no less than seven days prior to the meeting.

The final plan shall include or be accompanied by the following information:

1. Proposed name of the subdivision and the name of the town in which it is located, plus the Assessor's Map and Lot numbers.
2. The number of acres within the proposed subdivision, location of property lines, location of permanent markers, existing buildings, watercourses, and other essential existing physical features.
3. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site, the location of subsurface waste water disposal systems within 100 feet of the property lines, and the locations of the proposed subsurface waste water disposal systems shall be submitted.

4. Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
5. The date the plan was prepared, north point, graphic map scale.
6. The names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
7. The location of any shoreland zoning boundaries affecting the subdivision.
8. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
9. The location and size of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.
10. The location, names, widths, and geometrics of existing and proposed streets, assess points, highways, easements, buildings, parks and other usable open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines, and parcel boundary lines shall be certified by a registered land surveyor.
11. An erosion and sedimentation control plan prepared in accordance with the *Environmental Quality Handbook*, 1986 edition, published by the Maine Soil and Water Conservation Commission. The Planning Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision shall not involve road construction, and that no driveway or house construction shall occur on sites with slopes steeper than 10%.
12. A storm water management plan, prepared by a registered professional engineer in accordance with *Urban Hydrology for Small Watersheds*, T.R. 55, 1986 edition, published by the U.S. Soil Conservation Service. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Planning Board may waive submission of the storm water management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision shall not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 10% of the area of the subdivision.

13. The width and location of any public improvements or usable open space shown within the Comprehensive Plan, if applicable, within the subdivision.
14. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the town of all public ways and usable open spaces shown on the plan, and copies of agreements or other documents showing the manner in which usable open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or usable open spaces or other land is to be offered to the town, written evidence that the town officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
15. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the town's Flood Insurance Rate Map, shall be delineated on the plan.
16. If any portion of the proposed subdivision is in the direct watershed of a great pond and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan.
 - a. A Phosphorus Impact Analysis and Control Plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised May, 1990. The Analysis and Control Plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide. (See 11.2).
 - b. A long-term maintenance plan for all phosphorus control measures.
 - c. The contour lines shown on the plan shall be at an interval of no less than five feet.
 - d. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.
17. A list of construction items, with cost estimates, that shall be completed by the developer prior to the sale of lots, and evidence that the subdivider has financial commitments or resources to cover these costs.
18. A performance bond shall be required to secure completion of all public improvements required by the Planning Board, and written evidence that the town officers are satisfied with the legal sufficiency of the bond.
19. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the town, or quasi-municipal districts. These lists shall include but not be limited to:

Schools, including busing	Recreation facilities	Street maintenance &
Storm water drainage	Police & fire protection	Wastewater treatment
Solid waste disposal	Water supply	

The developer may be required to provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

20. Suitable space to record on the approved plan, the date and conditions of approval, if any. This space shall be similar to the following example:

Town of Island Falls

Approved by the Town of Island Falls Planning Board

Signed _____ Chairman
 _____ (space for
 _____ all members
 _____ to sign)

Date _____

Conditions _____

C. Final Approval and Filing

1. No plan shall be approved by the Planning Board as long as the subdivider is in violation of the provisions of a previously approved Plan within the town. In all instances, the burden of proof shall be upon the person proposing the subdivision.
2. Upon findings of fact and determination that all standards in Title 30-A MRSA, Section 4404, and this ordinance have been met, and upon voting to approve the subdivision, the Planning Board shall sign the final plan. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Planning Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Aroostook County Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.
3. At the time the Planning Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to ensure the orderly development of the Plan. If any town or quasi-municipal department head notified of the proposed subdivision informs the Planning Board that their department or district does

not have adequate capital facilities to service the subdivision, the Planning Board shall require the Plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which shall serve the subdivision, considering previously approved but not built subdivisions, the Planning Board shall require the Plan to be divided into sections to prevent classroom overcrowding. If the expansion, addition or purchase of the needed facilities is included in the town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

4. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a waiver from any applicable subdivision standard, that fact must be expressly noted on the face of the subdivision plan to be recorded in the Aroostook County Registry of Deeds.
 - a. In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded in the Aroostook County Registry of Deeds. This certificate must:
 1. Indicate the name of the property owner;
 2. Identify the property by reference to the last recorded deed in its chain of title; and
 3. Indicate the fact that a waiver, including any conditions on the waiver, has been granted and the date of granting.
 - b. The waiver is not valid until it is recorded as provided in this paragraph. Recording of the plan must occur within 90 days of the final subdivision approval or approval under Title 38 where applicable, whichever date is later, or the waiver is null and void.
5. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the criteria of Title 30-A, MRSA, Section 4404, and the standards of this ordinance. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken from the records of the Aroostook County Registry of Deeds.
6. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by

the town of any street, easement, or other usable open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the town, approval of the plan shall not constitute an acceptance by the town of such areas. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the town officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

7. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Aroostook County Registry of Deeds to that effect.

SECTION 9 Review Criteria

- A. Where the Planning 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 of the submission requirements and/or non statutory performance standards provided that such waiver shall not have the effect of nullifying the purpose of this ordinance, a comprehensive plan, the Shoreland Zoning Ordinance, or any other ordinance.
- B. In granting any waiver, the Planning Board shall require such conditions as shall, in its judgment, secure substantially the objectives of the requirements so waived.
- C. The Island Falls Planning Board shall consider the following criteria, and before granting approval shall determine that the proposed subdivision:
 1. Pollution.
 - a. The proposed subdivision shall not discharge wastewater to water body without a license from the Maine Department of Environmental Protection.
 - b. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.
 2. Sufficient Water.
 - A. Water Supply
 1. When a subdivision is to be served by a public

water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the subdivider. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the Fire Chief.

2. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.
 - a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
 - b. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules.
 - c. If a central water supply system is provided by the subdivider, the location and protection of the source, the design, construction and operation of the system and shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231). The Planning Board shall be notified of the location of a proposed community water supply for reference into the town's well head protection program, if any.
 - d. In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the subdivider shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the Fire Chief. An easement shall be granted to the town granting access to and maintenance of dry hydrants or reservoirs where necessary. The Planning Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision shall

not permit their construction or installation and the Fire Chief has indicated in writing that alternate methods of fire protection are available.

B. Water Quality.

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Arcoostook County Registry of Deeds.

3. Impact on Existing Water Supplies.

In meeting the standards of Section 11.2.A, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The subdivider shall be responsible for paying the costs of system improvements necessary to district's or company's system improvement plan as necessary to alleviate existing deficiencies.

4. Soil Erosion.

- A. The proposed subdivision shall prevent soil erosion from entering water bodies, freshwater wetlands, and adjacent properties.
- B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- C. 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.

5. Traffic Conditions.

- A. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to
 - 1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
 - 2. Avoid traffic congestion on any street; and
 - 3. Provide safe and convenient circulation on public streets and within the subdivision.
- B. More specifically, access and circulation shall also conform to the following standards:

1. The vehicular access to the subdivision shall be arranged to avoid traffic use of existing streets which the comprehensive plan has classified as residential access streets.
2. The street giving access to the subdivision and neighboring streets and intersections which can result in unreasonable congestion. No subdivision shall reduce a street's Level of Service to "E" or below, unless the comprehensive plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection.
3. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycleways and traffic controls within existing public streets.
4. Accessways to non-residential subdivisions or to multi-family developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A warrant analysis to determine the need for a left-turn storage lane shall be done.
5. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the town designated as growth areas in the comprehensive plan; or in non-residential subdivisions when such access shall facilitate fire protection services as approved by the Fire Chief.

6. Street Names, Signs and Lighting.

Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the town, and shall be subject to the approval of the Planning Board. No street name shall be the common given name of a person. The developer shall reimburse the town for the costs of installing street name, traffic safety and control signs.

7. Cleanup.

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

8. Sewage Disposals.

A. Private Systems.

1. When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface wastewater disposal systems.
2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - a. The Site Evaluator shall certify, in writing, that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.
 - b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
 - c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.
 - d. In any Subdivision there will be no less than 16" to the limiting factor.

9. Impact on Town's Ability to Dispose of Solid Waste.

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

10. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat Rare Natural Areas or Public Access to Shoreline.

A. Preservation of Natural Beauty and Aesthetics

1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

2. Except in areas of the town designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.
3. The Planning Board may require that the application include a landscape plan that shall show the preservation of any existing trees larger than 24" inches diameter breast height, the replacement of trees and vegetation, and graded contours.
4. When a proposed subdivision street traverses open fields the plans shall include the planting of street trees.

B. Retention of Usable Open Spaces and Natural or Historic Features

1. If any portion of the subdivision is located within an area designated by the comprehensive plan as usable open space or greenbelt, that portion shall be reserved for usable open space preservation.
2. If any portion of the subdivision is located within an area designated as a critical natural area by the comprehensive plan of the Department of Economic and Community Development's Natural Heritage Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
3. If any portion of the subdivision is designated a site of historic or prehistoric importance, by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.
4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of usable open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the town in which the subdivision is located according to the comprehensive plan, the proposed lot sized within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.
5. Land reserved for usable open space purposes shall be of a character, configuration and location suitable for the particular use intended.
6. Reserved usable open space land may be dedicated to the town.
7. Where land within the subdivision is not suitable or is insufficient in amount, or where the applicant prefers, or when suggested by the comprehensive plan, a payment in lieu of reservation may be substituted for the

reservation of some or part of the usable open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved usable open space would otherwise be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the town tax assessor. The payment in lieu of dedication shall be deposited into a town land open space or outdoor recreation facility acquisition or improvement fund.

C. Preservation of Significant Wildlife Habitat

If any portion or a proposed subdivision lies within:

1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife as:
 - a. habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - b. high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 - c. shorebird nesting, feeding and staging areas;
 - d. critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or
2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor, or
3. Other important habitat areas identified in the local comprehensive plan, if applicable, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and the species it supports. A report prepared by a wildlife biologist, selected or approved by the Planning Board shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision shall have no adverse impacts on the habitat and the species it supports.

D. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the usable open space, with provisions made for continues public access.

11. Conformance with Land Use Ordinances.

All lots shall *meet the minimum dimensional requirements of the*

Island Falls Land Use Ordinance (minimum 20,000 square feet in area per dwelling unit, front yard set back minimum depth of 20 feet from edge of the right of way, setback 15 feet of any property line and a rear yard set back of 20 feet. Shoreland Zoning Ordinance, Timber Harvesting Ordinance, and any other applicable local, state, or federal regulations. The proposed subdivision shall meet all applicable performance standards or design criteria from these ordinances.

12. Financial and Technical Capacity.

A. Financial Capacity.

The applicant shall have the adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Planning Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability.

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.
2. In determining the applicant's technical ability the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

11. Impact on Water Quality or Shoreline

A. Phosphorus Export.

1. *Any subdivision within the watershed of Pleasant Lake and Mattawamkeag Lake shall make provisions to limit the post development phosphorus export consistent with the standards contained in the following table:*

Lake	Water Quality Category	Protection Level	Projected Watershed Development (%)	Projected Watershed Development (50 yr) (acres)*	Allowable Phosphorus Export/Acre (lbs)*
	Outstanding	High	___%	___acres	___lbs.
	Moderate/ Stable	Medium	___%	___acres	___lbs.
	Poor/ Restorable	Low	___%	___acres	___lbs.

* If the proposed development is greater than 25% of the projected area of watershed development, the allowable phosphorus export per acre must be adjusted using Appendix F, of the DEP manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, revised May, 1990.

The Planning Board shall keep an accurate record of permits issued by watershed and shall notify the comprehensive planning committee of the actual development rates at five year intervals, as the comprehensive plan is revised. The above table shall be amended as required by amendments to the comprehensive plan, reflecting changes in the expected development rates.

2. Simplified Phosphorus Review.

Applicability. The simplified review may be used for a:

- A. Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not exceed 450 feet for a three lot subdivision or 600 feet for a four lot subdivision;
- B. Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions; or
- C. Proposed subdivisions consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

A proposed subdivision which creates lots which could be further divided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

3. Standard Review.

This section shall apply to proposed subdivisions which do not qualify for the simplified review. Phosphorus export from a proposed development shall be calculated according to the procedures in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine D.E.P., revised May, 1990. When a proposed subdivision creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the developer shall either calculate

phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures.

Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

A. Vegetative Buffer Areas.

Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the plan. Where a vegetative buffer area is to be owned in common by property owners in the subdivision, documentation establishing the lot owners association shall include the following standards.

B. Wooded Buffers.

Maintenance provisions for wooded buffers shall provide for either of the following two options.

1. No Disturbance.

Maintenance and use provisions for wooded buffer areas which are located on hydrologic soil group D soils and within 250 feet of the great pond or a tributary, or which are located on slopes over 20% shall include the following:

- a. Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.
- b. All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.
- c. Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- d. No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.

- e. Buffers shall not be used for all-terrain vehicle or vehicular line to the great pond or tributary and shall remain stabilized.
- f. Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- g. No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.
- h. Buffers shall not be used for all-terrain vehicle or vehicular traffic.

2. Limited Disturbance.

Maintenance and use provisions for other buffer areas may include the following:

- a. There shall be no cleared openings and an evenly distributed stand of trees and other vegetation shall be maintained.
- b. Activity within the buffer shall be conducted so as to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.
- c. Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.
- d. Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- e. Where the removal of storm-damaged, diseased, unsafe, or dead trees result in a cleared opening being created, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.
- f. Buffers shall not be used for all terrain vehicle or vehicular traffic.

C. Non-Wooded Buffers.

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

2. A buffer must maintain a dense, complete and vigorous cover of "non-lawn" vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.
3. Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation is prohibited.
4. Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

D. Infiltration Systems.

Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine D.E.P., revised May 1990.

Requirements for maintenance shall be included in deed restrictions and as notes upon the plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, a lot owners association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

E. Wet Ponds.

A lot owners association shall be established to maintain wet ponds, unless the town or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine D.E.P., revised May, 1990.

5. Cutting or removal of vegetation along water bodies shall not increase water temperature, result in shoreline erosion, or sedimentation of water bodies.

12. Impact on Ground Water Quality or Quantity.

A. Ground Water Quality.

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - a. A map showing the basic soil types.
 - b. The depth to the water table at representative points throughout the subdivision.
 - c. Drainage conditions throughout the subdivision.

- d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance.
 - f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 3. No subdivision shall increase any contaminant concentration in the ground water to more than one-half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
 4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality shall be improved or treated.
 5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
 6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.
- B. Ground Water Quantity.**
1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
 2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing

runoff with a corresponding decrease in infiltration of precipitation.

13. Flood Plain Management.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

- A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
- B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the town may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

14. Identification of Freshwater Wetlands.

Freshwater wetlands shall be identified in accordance with the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, published by the Federal Interagency Committee for Wetland Delineation, January, 1989.

15. Storm Water Management.

- A. 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.
- B. Where a subdivision is traversed by a stream, river, or surface water drainageway, or where the Planning Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way 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 town allowing maintenance and improvement of the system.

- C. All components of the storm water management system shall be designed to limit peak discharge rates to predevelopment levels for the 2-year, 10-year, and the 25-year frequency, 24-hour duration storms, based on rainfall data for Portland, Maine. When the subdivision discharges directly to a major water body peak discharge may be increased from predevelopment levels, provided that downstream drainage structures are suitably sized.
- D. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- E. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials which reduce water velocity.

16. **Reservation or Dedication and Maintenance of Usable Open Space and Common Land, Facilities and Services.**

- A. All usable open space common land, facilities and property shall be owned by:
 - 1. The owners of the lots or dwelling units by means of a lot-owners association;
 - 2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
 - 3. The town.
- B. Further subdivision of the common land or usable open space and its use for other than non-commercial recreation agriculture or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When usable open space is to be owned by an entity other than the town, there shall be a conservation easement deeded to the town prohibiting future development.
- C. The common land or usable open space shall be shown on the Final Plan with appropriate notations on the plan to indicate that:
 - 1. It shall not be used for future building lots; and
 - 2. Which portions of the usable open space, if any, may be dedicated for acceptance by the town.
- D. The final plan application shall include the following:
 - 1. Covenants for mandatory membership in the lot owners association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
 - 2. Draft articles of incorporation of the proposed lot owners association as a not-for-profit corporation; and

3. Draft by-laws of the proposed lot owners association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

E. In combination, the documents referenced in paragraph D above shall provide for the following:

1. The homeowners association shall have the responsibility of maintaining the common property or facilities.
2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
3. The association shall have the power to place a lien on the property of members who fail pay dues or assessments.
4. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon request of the lot owners association or the developer.

17. Spaghetti Lots Prohibited.

No lots created within a subdivision shall have a lot depth to front frontage ratio greater than 5 to 1.

18. Access to Direct Sunlight.

The Planning Board may, to protect and ensure access to direct sunlight for solar systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use control.

SECTION 10 General Requirements

A. Basement Drainage. If lots are being created to accommodate structures, the subdivider shall show that the basement can be drained by gravity to the ground surface, or storm sewers, if they are required to be installed, or that the water table is below the level of the basement.

B. Conformance with Other Laws/Regulations. The proposed subdivision shall be in conformance with all pertinent local, State and Federal ordinances, statues, laws and regulations. If the proposed subdivision meets the definition of subdivision as defined in the Site Location of Development Act, Title 38, MRSA, Section 482, the subdivider must secure the

approval of the Board of Environmental Protection and the Planning Board. When a proposed subdivision requires approval of the Planning Board and the Board of Environmental Protection, each review may be conducted simultaneously. However, each review shall be conducted independently and the Planning Board may deny approval of the subdivision even though the Board of Environmental Protection has granted an approval under the provision of the Site Location of Development Act.

C. Construction Prohibited. 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 actual or proposed subdivision until a final plan of the subdivision has been prepared, submitted, reviewed, approved, and endorsed as provided by this ordinance, nor until an attested copy of the final plan so approved and has been recorded by the subdivider in the Aroostook County Registry of Deeds. Plans for road construction, grading, and ditching, shall be reviewed by the Road Commissioner for his recommendations prior to Planning Board approval.

D. Lots and Density.

1. Each lot within the subdivision that is to be offered for sale shall be such that any buyer, with or without knowledge of the lot's physical characteristics shall be able to have a principal structure, adequate access, adequate water supply and quality, and adequate sewage disposal system on that lot.
2. A minimum lot size of one (1) acre shall be required, except in cluster type development, individual lots may be less than (1) acre, provided that common sewer systems, with adequate treatment facilities as contained in the State of Maine Plumbing Code are constructed and provided that within the subdivision usable common land in access of one (1) acre per residence or dwelling unit is provided.
3. Each lot must abut a public road or have adequate right-of-way access for emergency vehicles to enter, turn around, and exit.
4. Where individual on-site sewage disposal systems are to be utilized, the minimum size of each lot shall be based on soil characteristics, and shall conform to the Minimum Lot Size Guide as contained in the State of Maine Plumbing Code. In addition, there shall be an area of similar soils and size available on the lot so that a replacement system can be installed at a future date.
5. For cluster type developments, overall net density shall not be greater than the density that would result from the creation of individual, non-clustered lots. Such density shall be calculated by dividing the total acreage within the subdivision (including usable open spaces or common recreational areas) by the number of proposed units.

E. Land Not Suitable for Development. The Planning Board shall not approve such portions of any proposed subdivision that are on land created by covering a landfill or diverting a watercourse and located on a filled or drained great pond or wetland, or on soils identified in the Island Falls Comprehensive Plan as being suitable for development unless a Maine Registered Site Evaluator can design an on-site wastewater disposal system acceptable to the Planning Board and the Maine State Plumbing Code.

F. Mobile Home Parks. Mobile home parks must comply with the standards of the Maine Manufactured Housing Board. Any mobile home park application

shall be reviewed in conformity with MRSA 30-A, Section 4358 and this ordinance.

- A. All manufactured housing units to be located on a lot within the town after the effective date of this ordinance shall be manufactured after June 15, 1976.
- B. All manufactured housing units located within the town shall be placed on a permanent foundation, have residential siding, and a pitched roof covered with shingles.
- C. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances and regulations.

1. Dimensional Requirements.

Notwithstanding the dimensional requirements of the Island Falls Land Use Ordinance and the Island Falls Shoreland Zoning Ordinance, lots, buildings, and accessory structures within a mobile home park shall meet the following dimensional requirements:

- a. Lots served by individual subsurface waste water disposal systems:

- Min. lot size: 20,000 sq. ft.
- Min. lot width: 100 ft.
- Front setback: 20 ft. from right of way.
- Side setback: 15 ft.
- Rear setback: 20 ft.

The overall density of any park served by any subsurface water disposal system shall not exceed one dwelling unit per 20,000 sq. ft. of the total park area.

- b. Lots served by a central subsurface waste water disposal system approved by the Dept. of Human Services:

- Min. lot size: 20,000 sq. ft.
- Min. lot width: 100 ft.
- Front setback: 20 ft. from right of way.
- Side setback: 15 ft.
- Rear setback: 20 ft.

- c. Lots located within any shoreland zoning district shall meet the lot area, lot width, and shore frontage requirements for the district.

2. Buffering.

If a park is proposed with a residential density at least twice the density of adjacent development in existence, a continuous landscaped area not less than

fifty (50') feet in width which shall contain no structures or streets. The first twenty-five (25') feet of the buffer strip, as measured from the exterior boundaries of the park shall contain evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering or exiting the park.

3. Road Design, Circulation, and Traffic Impacts

- a. Streets within a park shall be designated by a Maine Registered Professional Engineer.
- b. The layout and general development plan for streets and driveways within the mobile home park, together with the location and dimensions of access junctions with existing public roads and rights-of-way shall be approved by the Planning Board.
- c. Streets which the applicant proposes to be dedicated as public rights-of-way, shall be designed and constructed in accordance with the standards contained with this ordinance.
- d. Streets which the applicant proposes to remain private rights-of-way shall meet the following minimum geometric design standards.
 1. Minimum right-of-way width: 66'
 2. Minimum width of traveled way: 20'
- e. No individual lot within a park shall have direct vehicle access onto an existing public street.
- f. Curvilinear streets shall be utilized wherever possible. No street within the mobile home park shall be more than 200' without a curve or a bend.
- g. Cul-de-sac turnarounds shall have a minimum radii of 50' at the outer edge of the pavement, exclusive of any parking areas.
- h. The intersection of any street within a park and an existing public street shall meet the following standards.
 1. The angle of intersection shall be ninety (90) degrees. The minimum angle of intersection shall be seventy-five degrees.

2. The maximum permissible grade within seventy-five (75') feet of an intersection shall be two (2) percent.
3. A minimum sight distance of ten (10') feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10') feet behind the curb or edge of shoulder line, with the height of the eye 3 1/2' above the pavement and the height of the object 4 1/4'.
4. The centerline of any street within a park intersecting an existing public street shall be no less than 125' from the centerline of any other street intersecting that public street.
 - i. The application shall contain an estimate of the average daily traffic (ADT) projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 edition, published by the Institute of Traffic Engineers. If the park is projected to generate more than 500 vehicle trips per day, the application shall also include a traffic impact analysis, by a Maine Registered Professional Engineer with experience in transportation engineering.
 1. Any mobile home park expected to generate average daily traffic (ADT) of 200 trips or more per day shall have at least two (2) street connections with existing public streets. Any street within a park with an ADT of 200 trips or more per day, shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

5. Parking Requirements.

- a. For each mobile home park lot there shall be provided two (2) off-street parking spaces. Each parking space shall contain a minimum area of 200 sq. ft. with minimum dimensions 10' by 20'. This requirement may be waived if an equivalent number of parking spaces is provided by the parking lane
- b. In addition to occupant parking, off-street guest and service parking shall be provided for within the boundaries of the mobile home park at a ratio of 1 space for each four (4) mobile home park

lots. Such parking shall be hard-surfaced and the spaces shall be reserved for that sole use. This requirement shall be waived if a parking land is provided with an equivalent number of spaces.

6. Utility Requirements.

All mobile home parks shall provide permanent electrical, water, and sewage disposal connections to each mobile home lot in accordance with applicable state and local rules and regulations.

7. Sidewalks/Walkways.

The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced, maintained, and lit. A portion of the road surface may be reserved for walkways provided the roadway width is increased accordingly. Walkways shall be a minimum width of three (3') feet.

8. Lighting.

Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

9. Signs.

Signs and advertising devices shall be prohibited in a mobile home park, except:

- a. One (1) identifying sign at each entrance of the mobile home park no larger than 24 sq. ft. which may indirectly lit, but not flashing.
- b. Directional and information signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc.
- c. Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than ten (10) sq.ft. and shall be limited to two signs per mobile home park.
- d. Mobile/manufactured homes address signs. The styles and location of the identifying signs shall not interfere with vehicle sight distance and shall be constructed in accordance with local sign ordinance.

10. Storm Drainage.

A storm drainage plan shall be prepared by a Maine Registered Professional Engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

11. Ground Water.

- a. Accompanying the application for approval of any mobile home park which is not served by public sewer, shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a Maine Certified Geologist or a Maine Registered Professional Engineer, experienced in hydrogeology, and shall contain at least the following information:
 1. A map indicating the basic soil types (medium intensity).
 2. The depth to the water table at representative points throughout the mobile home park.
 3. Drainage conditions throughout the mobile home park.
 4. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
 5. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000' from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations, shall also be provided.
 6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200' of the mobile home park boundaries.

B. Standards for Acceptable Ground Water Impacts

1. Projections for ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
2. No mobile home park shall increase any contaminant concentration in the ground water to more than one-half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.
3. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
4. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

- C. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.

13. Park Administration

- A. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to State laws. Compliance with this ordinance shall no exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.
- B. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback, and other requirements. The plan to be recorded at the Registry of Deeds and filed with the town shall include the following restrictions as well as any other

notes or conditions of approval.

1. The land within the park shall remain in unified ownership and the fee to lots or portions of the lots shall not be transferred.
 2. No dwelling unit other than a manufactured housing unit shall be located within the park.
- D. The following standards shall apply to all manufactured housing built **before** June 15 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park in the Town of Island Falls.

1. Exit Facilities - Exterior Door

- a. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
- b. Homes shall have a minimum of two exterior doors not less than 12' from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35'.
- c. All exterior swinging doors shall provide a minimum of 28" wide by 74" high clear opening. All exterior sliding glass doors shall provide a minimum of 28" wide by 72" high clear opening. Locks shall not require the use of a key from the inside.

2. Exit Facilities - Egress Windows and Devices

Homes shall have the following emergency egress facilities:

- a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be

listed in accordance with procedures and requirements of AAMA 1704-1985.

- b. The bottom of the window opening shall not be more than 36" above the floor.
- c. Locks, latches, operating handles, tabs, and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54" from the finished floor.

3. Interior Doors

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

4. Fire Detection Equipment

- a. At least one operating smoke detector shall be installed in the home in the following locations:
 - 1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
 - 2. When located in hallways, the detector shall be between the

return air intake and the living area.

3. The smoke detector shall not be placed in a location which impairs its effectiveness.
4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through Oct. 8, 1985.
5. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 4" to 12" below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4" to 12" below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceilings).

5. Flame Spread

- a. Ceiling interior finish shall not have a flame spread rating exceeding 75.
- b. Walls or ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not to exceed 25. Sealants and other trim material 2" or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
- c. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
- d. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a

flame spread rating not exceeding 200.

- e. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
- f. No burner of a surface cooking unit shall be closer than 12' horizontal to a window or an exterior door.

6. Kitchen Cabinet Protectors

- a. The bottom and sides of combustible kitchen cabinets over cooking ranges, to a horizontal distance of 6" from the outside edge of the cooking range, shall be protected with at least 5/16th" thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3" eyebrow projecting horizontally from the cabinet face. The 5/16th" thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. a 3/8th" enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
- b. The metal hood will not be required if there is an oven installed between the cabinet and the range.
- c. Ranges shall have a vertical clearance above the cooking top of not less than 24" to the bottom of combustible cabinets.

7. Carpeting

Carpeting shall not be used in a space or compartment designed to con-

tain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

8. Roof Leads

All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and the home can withstand the rigors of a Maine winter or wind uplifts that may occur

9. Heating and Fuel Burning System

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 Installation of Oil Burning Equipment as adopted by the Board, or other applicable standards.

10. Electrical System

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the requirements of the National Electrical code in affect at the time the home was constructed.

H. Performance Guarantees

1. **Types of Guarantees.** With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- a. Either a certified check payable to the Town of Island Falls or a savings account or certificate of deposit naming the Town of Island Falls as owner, for the establishment of an escrow account;
- b. A performance bond payable to the Town of Island Falls issued by a surety company, approved by the town officers, or First Selectperson;

- c. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the town may draw if construction is inadequate, approved by the town officers, or First Selectperson; or
- d. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the town engineer, Road Commissioner, town officers, and/or town attorney.

- 2. **Contents of Guarantee.** The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer shall be in default and the town shall have access to the funds to finish construction.
- 3. **Escrow Account.** A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town of Island Falls, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the Town of Island Falls shall be named as owner or co-owner, and the consent of the town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.
- 4. **Performance Bond.** A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the town. The bond documents shall specifically reference the subdivision for which approval is sought.
- 5. **Letter of Credit.** An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.
- 6. **Conditional Agreement.** The Planning Board, as its discretion may provide for the subdivider to enter into a binding agreement with the town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no more than four lots may be sold or built upon until either:
 - a. It is certified by the Planning Board, or its agent, that all of the required improvements have been installed in

accordance with this ordinance and the regulations of the appropriate utilities; or

- b. A performance guarantee, acceptable to the town, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Aroostook County Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 13.8.

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

8. **Release of Guarantee.** Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of the town engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

9. **Default.** If, upon inspection, the town engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the town officers, the Planning Board, and the subdivider or builder. The town officers shall take any steps necessary to preserve the town's rights.

10. **Improvements Guaranteed.** Performance guarantees shall be tendered for all improvements required to meet the standards of this ordinance and for the construction of the streets, storm water management facilities, and erosion and sedimentation control measures.

- a. The Planning Board may require that the subdivider file with the Planning Board at the time of submission of the final plan, 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 Island Falls and issued by a surety company acceptable to the town. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board with

the advice of the town officers. 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 final plan within two years of the date of the certified check or performance bond.

- b. The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Planning Board and the town officers, good cause for such extension. Such recommendation shall be referred to the town officers for official action.
- c. Before a subdivider may be released from any obligation requiring this guarantee of performance, the Planning Board shall require certification from the various town 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).
- d. The Planning Board may, at its discretion, waive the requirement of a performance bond and recommend a properly executed conditional agreement with the town. Such agreement, if executed with the town, shall be endorsed in writing on the final plan and shall provide that the Planning Board may approve the final plan or any part thereof, on the condition that no lot in the subdivision may be sold and no permit shall be issued for construction of any building on any lot on any street in the subdivision until it shall have been made within 2 years of the date of executing such conditional agreement.

I. **Street Design and Construction.** The design and construction of all streets and roads shall be in accordance with the road standards and requirements of the Town of Island Falls.

SECTION 11 Inspection, Violations, and Enforcement

A. Inspection

- 1. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
 - a. Notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the town officers can cause inspection to be made to assure that all town specifications, requirements, and conditions of approval shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
 - b. Deposit with the Town officers a check for the amount of

2% of the estimated costs of the required improvements to pay for the costs of inspection. If, upon satisfactory completion of the construction and cleanup, there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection amount shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

2. If the inspecting officials finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Town officers, Planning Board, and the subdivider and builder. The town officers shall take any steps necessary to preserve the town's rights.
3. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plan shall be filed with the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Planning Board.
4. Prior to the sale of any lot, the subdivider shall provide the Planning Board with a letter from a Registered Land Surveyor, stating that all documentation shown on the plan has been installed.
5. Upon completion of street construction and prior to a vote by the town officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the town officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the town officers.
6. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the town or their control is placed with a lot owners association.

B. Violations

1. No plan of a division of land within the town which would constitute a subdivision shall be recorded in the Aroostook Registry of Deeds until a final plan has been approved by the Planning

Board in accordance with this ordinance. Approval for the purpose of recording shall appear in writing on the recording plan.

2. A person, shall not convey, offer, or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Aroostook County Registry of Deeds.
3. Any person after receiving approval from the Planning Board and recording the plan at the Aroostook County Registry of Deeds, constructs or develops the subdivision, or transfers any lot, in a manner other than that depicted on the approved plans or amendments or in violation of any condition imposed by the Planning Board, where applicable, shall be in violation of this ordinance.
4. A person shall not sell, lease, or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
5. No public utility, water district, sanitary district, grading or construction of roads, grading of lands or lots construction of buildings, or any utility company of any kind may install services to any lot or dwelling unit in a subdivision, until a final plan of such subdivision shall be duly prepared, submitted, reviewed, approved, and endorsed and unless written authorization attesting to the validity and currency of all local permits required under this ordinance has been issued by the appropriate Town officers. Following installation of service, the company or district shall forward the written authorization to the town officers indicating that installation has been completed.
6. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.
7. A building inspector may not issue any permit for a building or use within a subdivision unless the subdivision has been approved under this ordinance and Title 38, Section 481-490, where applicable.
8. Whenever the subdivision is exempt from MRSA Title 38, Section 481-490, Site Location of Development, because of the operation of Title 38, Section 488 (5), that fact must be expressly noted on the face of the subdivision plan to be recorded in the Aroostook County Registry of Deeds. The developable land, as defined in Title 38, Section 488, (5), must be indicated on the plan. The person submitting the plan for recording shall prepare a sworn certificate in recordable form and record it in the Aroostook County Registry of deeds. This certificate must:
 - a. Indicate the name of the current property owner;
 - b. Identify the property by references to the last recorded deed in its chain of title and by reference to the subdivi-

vision plan;

- c. Indicate that an exemption from Title 38, Section 481-490, has been exercised;
- d. Indicate that the requirements of Title 38, Section 488, (5), have been and shall be satisfied; and
- e. Indicate the date of notification of the Department of Environmental Protection under Title 38, Section 488, (5).

The exemption is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval under this ordinance or the exemption is void.

9. Any person who sells, leases, or conveys for consideration any land or dwelling unit in a subdivision approved under this ordinance and exempt from Title 38, Section 481-490, because of the operation of Title 38, Section 488, (5), shall include in the instrument of sale, lease, or conveyance a covenant to the transferee that all of the requirements of Title 38, Section 488, (5), have all been and shall be satisfied.

C. Enforcement

1. Code Enforcement Officer

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find that any provision of this ordinance is being violated, they shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. They shall order the removal of illegal buildings, structures, additions or work being done, or shall take any other action authorized by this ordinance to ensure compliance with, or to prevent violation of, its provisions.
- B. The Code Enforcement Officer shall maintain a current file of all pertinent Federal, State and local statutes, ordinances, regulations, and plans relating to land-use ordinance including local subdivision plans.
- C. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The Code Enforcement Officer may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant, or agent, to inspect the property or structure for compliance with the laws or ordinances. If consent is denied, they should obtain an administrative warrant before entering the property. The Code Enforcement Officer may revoke a permit after proper notifica-

tion and a public hearing if it was issued in error or if based on erroneous information.

2. **Legal Action and Violations.** When any violation of any provision of this ordinance shall be found to exist, the Code Enforcement Officer is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town of Island Falls.

3. **Fines.** Any person, firm or corporation being the owner, contractor or having control or use of any structure or premises who violates any of the provisions of this ordinance shall upon conviction be fined in accordance with provisions of 30-A MRSA, 4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the town.

SECTION 12 Appeals

A. Making an Appeal

1. An appeal of the decision of the Planning Board may be taken to the Board of Appeals by an aggrieved person. Such appeal shall be taken within thirty (30) days of the decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the thirty (30) day requirement.
2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal.
3. Upon being notified of an appeal, the Planning Board and Code Enforcement Officer shall transmit to the Board of Appeals all the papers specifying the record of the decision appealed from. Each appeal shall be accompanied by a fee to cover advertising and administrative costs. If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance. The Board of Appeals shall hold a public hearing on the appeal within forty-five (45) days.

B. Procedure on Appeal

1. At least fifteen (15) days prior to the date of the hearing on such appeal, the Board of Appeals shall cause to be published in one issue in a newspaper of general circulation in the town a notice which includes:
 - a. The name of the person appealing.
 - b. A brief description of the property involved.
 - c. A brief description of the decision appealed from, or the nature of the appeal.
 - d. The time and place of the Board of Appeal's hearing.

2. At least ten (10) days prior to the date set for hearing, the Board of Appeals shall also cause the Town Clerk to give similar written notice to:
 - a. All property owners of record whose properties lie within 200 feet of the affected property.
 - b. The person making the appeal, and
 - c. The Planning Board, the Code Enforcement Officer, and any other parties of record.

C. Hearings

1. The Board of Appeals may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present their case or defense by oral or documentary evidence to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.
2. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairperson.
3. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause. For example, if the Board of Appeals shall give the applicant the opportunity to amend the application and continue the hearing until the public has been properly notified of the appeal's reclassification and of the time and place when the hearing shall continue.
4. The Code Enforcement Officer or their designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
5. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.
6. The record may be kept open after the hearing by order of the Chairperson until a date established by the order.

D. Decisions of the Board of Appeals

1. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Planning Board or the Code Enforcement Officer, or to decide in favor of the applicant on any matter on which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance.

2. The Board of Appeals shall decide all appeals within thirty (30) days after the hearing, and shall issue a written decision on all appeals.
3. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, their representative or agent, the Planning Board, agency of office, the Code Enforcement Officer, and the town officers within seven (7) days of the decision date.
4. Upon notification of the granting of an appeal by the Board of Appeals, the Planning Board or the Code Enforcement Officer shall immediately issue a permit in accordance with the conditions of the approval.
5. Appeals may be taken as permitted by law from any decision of the Board of Appeals to Superior Court.

E. Stay of Proceedings

An appeal stays all legal proceedings related to the action appealed from unless the officer or Planning Board from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal has been filed with the officer or Board of Appeals, that by reason of facts stated in the certificate a stay would, in the officer or Board of Appeal's opinion, cause irreparable harm to property or create a threat to the life or health of any person including the appellant. In such case, the officer or Board of Appeals, if legally authorized by State law or local ordinance, may seek injunctive relief or, in appropriate cases, refer the matter to the town officers for prosecution.

SECTION 13 Schedule of Fees, Charges, and Expenses

The Board of Selectmen shall establish a schedule of fees, charges, and expenses for matters pertaining to this ordinance. The schedule of fees shall be posted in the Town Office, and may be altered or amended only by the Board of Selectmen. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 14 Validity and Conflict of Ordinances

- 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 provision of this ordinance are hereby declared to be severable.
- B. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, ordinance, by-law, permit, or provision of law. Were this ordinance to impose a higher stand-

ard for the promotion and protection of health and safety, the provisions of this ordinance shall prevail.

SECTION 15 Amendments

A. Initiation of Amendment. An amendment to this ordinance may be initiated by:

1. The Planning Board, provided a majority of the Planning Board has so voted.
2. Request of the town officers to the Planning Board, or
3. Written petition to the Selectmen of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election.

B. Adoption of Amendment. An amendment to this ordinance may be adopted by:

1. A majority vote of the governing body if the proposed amendment is recommended by the Planning Board, or
2. 2/3 majority of the governing body if the proposed amendment is not recommended by the Planning Board.

C. Public Hearing. The Planning Board shall hold a public hearing on the proposed amendment at least 30 days prior to the meeting of the governing body. Notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

D. Repetitive Petitions. No proposed change in this ordinance which has been unfavorably acted upon by the governing body shall be considered on its merits by the governing body within one (1) year after the date of such unfavorable action unless adoption of the proposed change is recommended by unanimous vote of the Planning Board.