

**Town of New Portland**  
**Subdivision and Commercial Development**  
**Review Ordinance**

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**This ordinance is effective upon the date of adoption by New Portland Town Meeting.**

**Date of Adoption:** April 1, 1995

**Amendments:**  
October 16, 2003

**TOWN OF NEW PORTLAND**  
**SUBDIVISION AND COMMERCIAL DEVELOPMENT REVIEW ORDINANCE**  
**PART I -- GENERAL PROVISIONS**

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**ARTICLE 1: PURPOSES**

The purpose of this ordinance is:

- 1.1 To provide for an expeditious and efficient process for the review of proposed developments;
- 1.2 To clarify the criteria of the state Subdivision Law, Title 30\_A M.R.S.A., Sections 4401\_4406.
- 1.3 To assure that new development in the Town of New Portland meets the goals and conforms to the policies of the New Portland Comprehensive Plan;
- 1.4 To assure the comfort, convenience, safety, health and welfare of the people of the Town of New Portland;
- 1.5 To protect the environment and conserve the natural and cultural resources identified in the New Portland Comprehensive Plan as important to the community;
- 1.6 To assure a minimal level of services and facilities are available to the users of new development and that lots are capable of supporting the proposed uses and structures.
- 1.7 To ensure that potential impacts from new development on neighboring properties and on the municipality are kept within reasonable levels; and
- 1.8 To promote the development of an economically sound and stable community.

**ARTICLE 2: AUTHORITY AND ADMINISTRATION**

2.1 Authority

The Town of New Portland Planning Board is hereby authorized to issue permits for subdivisions and commercial development within the area of its jurisdiction. These standards have been prepared in accordance with the provisions of Title 30\_A M.R.S.A. s.440, and the provisions for home rule within the State of Maine. It shall be known and may be cited as "Subdivision and Commercial Development Review Ordinance of the Town of New Portland, Maine."

2.2 Administration

- A. The Planning Board of the Town of New Portland, hereinafter called the Board, shall administer this ordinance.
- B. The provisions of these standards shall pertain to all land area within the boundaries of the Town of New Portland. In the event that provisions of this ordinance conflict with those of other local ordinances, the stricter provision shall apply.

2.3 Amendments

- A. This ordinance may be amended by the Town Meeting of the Town of New Portland.
- B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

**ARTICLE 3: DEFINITIONS**

In general, words and terms used in these regulations shall have their customary dictionary meanings, unless defined differently below; other words and terms used herein are defined as follows:

**Alteration:** Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams or girders.

**Applicant:** The person applying for development 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.

**Bed and Breakfast:** An establishment, including a private residence, where accommodation is offered for compensation and where a morning meal is either included in the cost of accommodations, or ordinarily served as an option.

**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 adjacent properties or on sensitive natural resources.

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

**Campground:** Any area or tract of land to accommodate temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters for which a fee is charged.

**Child Care Facility:** An establishment, including a private residence, where three or more children under the age of six (6) are cared for in return for compensation.

**Code Enforcement Officer (CEO):** A person appointed by the Town of New Portland to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Plumbing Inspector, where applicable.

**Commercial Development:** Development of land or a building for the purpose of manufacture, service, or trade which is expected to occupy more than 2,000 square feet of floor space or more than 20,000 square feet of land. Home occupations and day care centers are specifically excluded from this definition.

**Major Development:** In the rural area, as defined in Section 15.6(B), any commercial development which consists of more than 10,000 square feet of floor space devoted to business, or more than one (1) acre of developed area; In the village area, more than 20,000 square feet of floor space devoted to business, or more than two (2) acres of developed area; In the extended village area, more than 20,000 square feet of floor space devoted to business (no acreage limit).

**Minor Development:** In the rural area, commercial development which consists of less than 10,000 square feet of floor space devoted to business, or less than one (1) acre of developed area; In the village and extended village areas, less than 20,000 square feet, or, if more, expansion within an existing building.

**Accumulation of space:** Any existing commercial space/entity up to 800 square feet is permitted without a commercial development application. A building notification form is required and the addition must comply with articles 15 & 16 in the ordinance. Once the accumulated space exceeds 800 square feet a commercial development application is required.

**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 Board to waive the submission of required information.

**Comprehensive Plan:** The Comprehensive Plan for the Town of New Portland, adopted in December, 1992.

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

**Developed Area:** Any area on which a site improvement or change is made, including buildings, material storage areas, landscaping, parking areas, and streets. Count the total area of the project which is covered by buildings, paved or graded areas, outside working and storage areas, or drainage structures, and not to be revegetated.

**Driveway:** A vehicular access\_way serving two dwelling units or less, or a single commercial development.

**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.

**Engineered Subsurface Waste Water Disposal System:** A subsurface waste water disposal system designed, installed, and operated as 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.

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

**Flea Market:** The sale of used merchandise customarily involving tables or space leased or rented to vendors.

**Floodplain:** The land areas which have been or may be covered by the 100 year flood.

**Frontage (Street Frontage):** The length of the boundary line between a parcel of land and a public street or right-of-way.

**High Intensity Soil Survey:** A map prepared by a Certified Soil Scientist, identifying the soil types at 1/8 acre resolution or less at a scale equivalent to the development 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.

**100 Year Flood:** The highest reach of a flood event that has a one percent chance of occurring in any given year.

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

**Home Occupation:** Any commerce or business which is primarily home-based, that is, a secondary use of an owner-occupied residence (less than 50 percent of floor area), and employs primarily members of the family occupying the home (less than 50 percent of workers from outside the family).

**Hotel, Motel:** A building in which lodging or meals and lodging are offered to the general public for compensation and in which individual rooms are accessed by doorways separate from the owner's quarters. A hotel may contain accessory services and facilities as news stands, gift shops and restaurants.

**Kennel:** Any place, building, tract of land, abode, enclosure, or vehicle where three or more dogs or three or more cats, owned singly or jointly are kept for any purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more dog or other pet is kept for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of six months.

**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.

**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.

**Natural Vegetation:** Plant growth which has not been planted, mowed, or landscaped and which, in its natural condition, is greater than four feet tall and provides a partial or complete visual barrier.

**Open Space:** Land within or related to a subdivision which is designed and intended for non-development, which may include agriculture, forest management, or the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

**Open Space Subdivision:** A subdivision in which the lots or units are situated in only a portion of the land normally permitted in return for the provision of permanent open space.

**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 New Portland, hereinafter referred to as "the Board."

**Preliminary Plan:** The preliminary drawings indicating the proposed layout of the development to be submitted to the Planning Board in an application for preliminary approval.

**Principal Structure:** The building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

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

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

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

**Recreation Facility:** Any commercial enterprise which receives a fee in return for the provision of some recreational activity, including but not limited to: racquet clubs, health facility and amusement parks, but not including amusement centers.

**Restaurant:** An establishment where meals are prepared and served to the public for consumption for compensation.

**Setback:** The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

**Sign:** A display surface, fabric or device containing organized and related elements (letter, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to the public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.

**Sketch Plan:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for planning board approval. May be used by the applicant as the basis for preparing plans as part of the application for development 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:** Public and private ways such as alleys, avenues, highways, roads and other rights\_of\_ways, as well as areas on development plans designated as rights\_of way for vehicular access other than driveways.

**Street Classification:**

**Through Roads:** Streets which serve as feeders to State Routes 16, 27, and 146, and as collectors of traffic from minor roads providing circulation and access throughout town. Through roads must accommodate regular flow of both commercial and passenger vehicles.

**Minor Road:** While these roads connect other ways, they are primarily used by passenger vehicles

for access to residences and stores.

**Dead End Road:** Streets that end in a cul-de-sac and serve two commercial buildings or more than two dwelling units.

**Private Right of Way:** Streets which connect a single commercial building or no more than two private residences with a town way or connect exclusively seasonal structures with a town 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 as defined in 30-A M.R.S.A. s.4401-4.

**Subdivision-Major:** In the rural area, as defined in Section 15.6(B), any subdivision containing more than four (4) lots or dwelling units; in village and extended village areas, any subdivision containing more than nine (9) lots or dwelling units.

**Subdivision-Minor:** In the rural area, any subdivision containing four (4) or fewer lots or dwelling units; in the village and extended village areas, any subdivision containing nine (9) or fewer lots or dwelling units.

**Subsurface Sewage Disposal System:** A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 MRSA Section 414 or any surface wastewater disposal system licensed under Title 38 MRSA Section 413 Subsection 1\_A. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

**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 landowners.

**Wetland:** Areas which are inundated or saturated by surface or 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; and are not part of a great pond, river, stream or brook. Wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

## **ARTICLE 4: INSPECTIONS AND ENFORCEMENT**

### **4.1 Inspection of Required Improvements**

- A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
  1. Notify the Code Enforcement Officer in writing of the time when (s)he proposed to commence construction of such improvements, so that the selectmen can cause inspection to be made to assure that all municipal 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 Board.

2. Deposit with the selectmen 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 construction and cleanup, there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

B. If the inspecting official 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 developer, he shall report in writing to the selectmen, Board, and the subdivider/builder. The selectmen shall take any steps necessary to preserve the municipality's rights.

C. 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 inspection official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights of way, property boundaries, changes of grade by more than 1%, etc., the developer shall obtain permission to modify the plans from the Board.

D. At the close of each summer construction season the Town shall, at the expense of the developer, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to the sale of any real property, the developer shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

F. Upon completion of street construction and prior to a vote by the selectmen to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to them 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 selectmen.

G. The developer shall be required to maintain all improvements and provide for snow removal on streets, parking lots, and sidewalks until acceptance of the improvements by the town or the control is placed with a lot owners association, or other responsible entity.

#### 4.2 Violations and Enforcement

- A. No plan of a subdivision of land within the Town of New Portland which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this ordinance.
- B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. A person shall not occupy or conduct business in a commercial development subject to review under this ordinance until final approval is granted by the Board.
- D. 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.
- E. No public utility, water district, sanitary district or any utility company of any kind shall serve any commercial development or lot in a subdivision which has not received final approval.
- F. Development of a subdivision or commercial site without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this ordinance and recorded in the Registry of Deeds.
- G. 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 this ordinance up to and including the entire road 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 this ordinance. No commercial building shall be occupied until required improvements have been provided and approved by the town.
- G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30\_A M.R.S.A., s.4452.

## **ARTICLE 5: PERFORMANCE GUARANTEES**

### **5.1 Types of Guarantees.**

Upon submittal of the application for Final Plan approval or commercial development approval, the developer 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 or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
- B. A performance bond payable to the Town issued by a surety company, approved by the selectmen, or Town Manager;
- 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 selectmen, or Town Manager; or
- D. An offer of conditional approval limiting the amount of construction or number of lots sold until all required improvements have been constructed.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Road Commissioner, selectmen, and/or Town Attorney.

## 5.2 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 will be in default and the Town shall have access to the funds to finish construction.

## 5.3 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 New Portland, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the town 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 developer 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 developer and the amount withdrawn to complete the required improvements.

## 5.4 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 developer, and the procedures for collection by the town. The bond documents shall specifically reference the development for which approval is sought.

## 5.5 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 development and may not be used for any other project or loan.

## 5.6 Conditional Agreement for Subdivision Developments.

The Board, at its discretion may provide for a subdivision developer 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 Board, or its agent, that all 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

registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 5.8.

#### 5.7 Phasing of Development

The Board may approve plans to develop a major subdivision or commercial development in separate and distinct phases. This may be accomplished by limiting final approval to that portion of the development which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

#### 5.8 Release of Guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of whatever 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.

#### 5.9 Default.

If, upon inspection, the town 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 selectmen, the Board, and the developer or builder. The selectmen shall take any steps necessary to preserve the Town's rights.

#### 5.10 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, public or community water systems, and erosion and sedimentation control measures.

### **ARTICLE 6: WAIVERS**

- 6.1 Where the Board makes written findings of fact that there are special circumstances of a particular parcel or development project, it may waive portions of the submission requirements unless otherwise indicated in the ordinance, provided the applicant has demonstrated that the performance standards of this ordinance and the criteria of the Subdivision Statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purposes of the Comprehensive Plan or this ordinance.
- 6.2 Where the Board makes findings of fact that due to special circumstances of a particular development, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this ordinance, and further provided the performance standards of this ordinance and the criteria of the Subdivision Statute will be met by the proposed development.

6.3 In granting waivers to any of this ordinance in accordance with this Section, the Board shall require such conditions as will assure the purposes of this ordinance are met.

6.4 When the Board grants a waiver to any of the improvements required by this ordinance, the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

#### **ARTICLE 7: APPEALS**

7.1 An aggrieved party may appeal any decision of the Board under this ordinance to the New Portland Board of Appeals or to Somerset County Superior Court, within thirty days of the date of the decision. Appeals to the Board of Appeals shall be limited to questions of interpretation of this ordinance and procedures thereunder.

## **PART II -- REVIEW AND PERMITTING PROCEDURES**

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### **ARTICLE 8: PLANNING BOARD AGENDA**

- 8.1 In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the 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 Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

### **ARTICLE 9: DEVELOPER'S PREAPPLICATION PROCEDURE**

#### **9.1 Purpose**

The purpose of the preapplication process is for the applicant to present general information regarding the proposed development to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on engineering and design by the applicant.

#### **9.2 Procedure**

- A. The applicant shall present a sketch plan and make a verbal presentation regarding the site and the proposed development.
- B. Following the applicants presentation, the board may ask questions and make suggestions to be incorporated by the developer into the application.
- C. The date of the on\_site inspection is selected.

#### **9.3 Contents**

The Preapplication 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 will be most helpful to both the developer and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by:

- A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed development, unless it is less than ten acres in size.
- B. A copy of that portion of the county Soil Survey covering the development, showing the outline of the proposed development.

#### **9.4 Contour Interval and On\_Site Inspection**

Within thirty days of the preapplication meeting, the Board should hold an on\_site inspection of the property and inform the applicant in writing of the required contour interval on future submissions. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on\_site inspection. The Board shall not conduct on\_site inspections when there is more than one foot of snow on the ground.

#### 9.5 Rights Not Vested

The submittal of a sketch plan at the pre-application meeting or the final plan for a minor subdivision, preliminary plan for a major subdivision and the application for a commercial development, to the planning board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, MRSA, Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

#### 9.6 Establishment of File.

Following the preapplication meeting the Board shall establish a file for the proposed development. All correspondence and submissions regarding the preapplication meeting and application shall be maintained in the file.

### ARTICLE 10: MINOR SUBDIVISIONS

#### 10.1 General

The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30\_A M.R.S.A., §4404, or the performance standards of this ordinance, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.

#### 10.2 Procedure

- A. Within six months after the on\_site inspection by the Board, or such other time period as may be set by mutual consent, the subdivider shall submit an application for approval of a Final Plan at least ten days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the town office or delivered by hand to the town office. Failure to meet the time frame shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for Final Plan approval for a Minor Subdivision shall be accompanied by a non\_refundable application fee of \$100, payable by check to the Town of New Portland.
- C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the Final Plan. If the applicant fails to attend, the Board shall not begin consideration of the application, and the time period shall not begin.
- D. Upon receipt of an application for Final Plan approval of a minor subdivision, the Board shall
  1. Issue a dated receipt to the applicant.
  2. 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.
  3. Notify the clerk and the review authority of the neighboring municipalities if any portion

- of the subdivision includes or crosses the municipal boundary.
- E. Within thirty days of the receipt of the Final Plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
  - F. Upon a determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of that determination. The Board shall determine whether to hold a public hearing on the Final Plan application.
  - G. If the 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 municipality 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.
  - H. 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 Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30\_A M.R.S.A., §4404 and the standards in this ordinance. If the Board finds that all the criteria of the Statute and the standards of this ordinance have been met, it shall approve the Final Plan. If the Board finds that any of the criteria have not been met, the Board shall either deny the plan or approve it with conditions to ensure all of the criteria and standards will be met by the subdivision. The reasons for any denial or conditions shall be stated in the records of the Board.

### 10.3 Submissions.

The final plan application shall consist of the following items.

- A. Application form.
- B. 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 Board to locate the subdivision within the town. The Location Map shall show:
  1. Existing subdivisions in the proximity of the proposed subdivision.
  2. Locations and names of existing and proposed streets.
  3. An outline of the proposed subdivision and any remaining portion of the owner's property if
- C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the Town Office, and three copies of one or more maps or drawings drawn to scale of not more than one hundred feet to the inch. Plans for subdivisions 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 lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted. 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 by the applicant to each

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Board member no less than seven days prior to the meeting.

- D. The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30 A M.R.S.A., §4404 are met.
1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.
  2. Verification of right, title, or interest in the property.
  3. 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. The plan shall indicate the type of monument found or to be set at each lot corner.
  4. 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.
  5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
  6. Test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
  7. Evidence of adequate water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
  8. The date that the Plan was prepared, north point, graphic map scale.
  9. The names and address of the record owner, subdivider, and the individual or company who prepared the plan, and adjoining property owners.
  10. A medium intensity soil survey such as an SCS Soil Survey. Wetland areas shall be identified on the survey, regardless of size.
  11. The number of acres within the proposed subdivision, average lot size, location of property lines, existing buildings, vegetative cover type and other essential existing physical features. On wooded sites, the plan shall indicate the areas where clearing is proposed, and any clearing restrictions or buffer areas proposed.
  12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If the proposed subdivision is in the direct watershed of a great pond, the application shall indicate which great pond.
  13. Contour lines at the interval specified by the Board.
  14. An enumeration of points according to the point system performance standard from section 15.6, and location of any shoreland zoning boundaries affecting the subdivision.
  15. The location and size of existing and proposed culverts, power and communication lines, and drainage ways on or adjacent to the property to be subdivided.
  16. Location, names and present widths of existing and proposed streets and highways, and existing and proposed easements, setback lines, alleys, parks and other 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.
  17. The location of any open space to be preserved and a description of proposed improvements and its management.
  18. 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 open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which

open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the Town, written evidence that the selectmen are satisfied with the legal sufficiency of the written offer to convey title shall be included.

19. If any portion of the subdivision is in a flood prone area, the boundaries of any floodplain and the 100 year flood elevation, as depicted on the New Portland Flood Insurance Rate Map, shall be delineated on the plan.
20. If the proposed subdivision is the direct watershed of a great pond, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems.

## **ARTICLE 11: PRELIMINARY PLAN FOR A MAJOR SUBDIVISION**

### **11.1 Procedure.**

- A. Within six months after the on site inspection by the Board, the subdivider shall submit an application for approval of a preliminary plan at least ten days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Planning Board in care of the town office or delivered by hand to the town office. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$45 per lot or dwelling unit, payable by check to the Town of New Portland. In addition, the applicant shall pay a fee of \$25 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant, and require that an additional \$15 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$15 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. 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.
- C. Upon receipt of an application for Preliminary Plan approval of a major subdivision, the Board shall
  1. Issue a dated receipt to the applicant.
  2. 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.
  3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision includes or crosses the municipal boundary.
- D. The applicant, or his duly authorized representative, shall attend the meeting of the board to present the preliminary plan application. The Board shall not begin consideration of the application, nor shall the time period commence, if the applicant is absent.
- E. Within thirty days of the receipt of the preliminary Plan application, the Board shall determine

whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

- F. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the preliminary plan application.
- G. If the Board decided 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 municipality 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.
- H. 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 Board and the applicant, the Board shall make findings of fact on the application and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- I. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
  - 1. The specific changes which it will require in the Final Plan;
  - 2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
  - 3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the Final Plan.
- J. 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 Board approval 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 Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

#### 11.2 Submissions

The preliminary plan application shall consist of the following items.

- A. Application form.
- B. 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 Board to locate the subdivision within the municipality. The Location Map shall show:
  - 1. Existing subdivisions in the proximity of the proposed subdivision.
  - 2. Locations and names of existing and proposed lots covers only a portion of the subdivider's entire contiguous holding.
- C. Preliminary Plan. 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 may 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 Board member no less than seven days prior to the meeting.

- D. The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30\_A M.R.S.A., s.4404 are met.
1. Proposed name of the subdivision plus the Assessor's Map and Lot Numbers.
  2. Verification of right, title, or interest in the property.
  3. 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.
  4. A copy of the most recently recorded deed for the parcel. A copy of all or deed restrictions, easements, rights\_of\_way, or other encumbrances currently affecting the property.
  5. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
  6. 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 shall be submitted. When sewage disposal is to be accomplished by other than individual subsurface sewage treatment systems, complete plans and specifications done by a Registered Professional Engineer.
  7. Evidence of adequate ground water supply and quality must be provided by a well driller or hydrogeologist familiar with the area. If water is to be supplied through a public or community water system, a wellhead protection plan or testing plan consistent with the Maine Drinking Water Program Rules must be submitted.
  8. The date that the Plan was prepared, north point, graphic map scale.
  9. The names and addresses of the record owner, subdivider, and the individual or company who prepared the plan, and adjoining property owners.
  10. A high intensity soil survey by a Registered Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.
  11. The number of acres within the proposed subdivision, average lot size, location of property lines, existing buildings, vegetative cover type and other essential existing physical features. On wooded sites, the plan shall indicate the area where clearing for lawns and structures would not be permitted.
  12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision.
  13. Contour lines at the interval specified by the Board.
  14. An enumeration of points according to the point system performance standard, section 15.6, as well as any shoreland zoning boundaries affecting the area.
  15. The location and size of existing and proposed sewers, water mains, culverts, power and communication lines, and drainage ways on or adjacent to the property to be subdivided.
  16. The location, names and present widths of existing streets, highways, easements, setback lines, parks and other open spaces on or adjacent to the subdivision.
  17. Proposed lot lines with approximate dimensions, lot areas, and average lot sizes.
  18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
  19. The location of any open space to be preserved and a description of proposed ownership, improvement and management.

20. If any portion of the subdivision is in a flood prone area, the boundaries of any flood plain areas and the 100 year flood elevation shall be delineated on the plan.
- E. The Board may, under specific circumstances, also require the following information:
1. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when 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, 1981, Map No.37. The 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.
  2. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, 1987 edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
  3. If areas within or adjacent to the proposed subdivision have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan, evidence that wildlife habitat will be maintained.
  4. If the proposed subdivision is 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 strips or infiltration systems and the application shall include a long term maintenance plan for all phosphorus control measures.
  5. If any portion of the proposed subdivision is located within 250 feet of the shore of the Carrabassett River, the board may require an inventory and analysis of historic or archeological resources associated with the site.

## **ARTICLE 12: FINAL PLAN FOR MAJOR SUBDIVISION**

### **12.1 Procedure.**

- A. Within six months after approval of the Preliminary Plan the subdivider shall submit an application for approval of the Final Plan at least ten days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Planning Board in care of the Town Office or delivered by hand to the Town Office. If the application for the Final Plan is not submitted within six months, the 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 Board.

If an applicant cannot submit the Final Plan within six months, due to delays caused by other regulatory bodies or weather, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the 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 municipal ordinances or regulations which may impact on the proposed development have not been amended.

- B. The Board shall make a determination on whether to hold a public hearing on the final plan. If a

public hearing is called, a fee shall be required of the subdivider to cover the costs of advertising and postal notification.

- C. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where applicable:
1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if Wastewater Discharge License is needed.
  2. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system, or an engineered subsurface waste water disposal system(s).
  3. U.S. Army Corps. of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- D. Upon receipt of application for Final Plan approval, the Board shall issue a dated receipt to the applicant.
- E. The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
- F. Within thirty days of the receipt of the Final Plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- G. If the 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 before the hearing. In addition, notice shall be posted in at least three prominent places within the town at least seven days prior to the hearing.
- H. The Board shall notify the appropriate town officials of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department's existing facilities to service the proposed subdivision.
- I. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Article 5.
- J. Within thirty days of 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 Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A M.R.S.A., s.4404 and the standards of this ordinance. If the 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 Board finds that any of the criteria have not been met, the Board shall either deny the application or approve the application with conditions to ensure all standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

## 12.2 Submissions.

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 subdivisions 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 be easily 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 Board. Two reproducible, stable based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office, and three copies of the plan shall be submitted. The subdivider 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 Board member no less than seven days prior to the meeting.

The Final Plan shall include or be accompanied by the following information.

- A. Proposed name of the subdivision plus the Assessor's Map and Lot Numbers.
- B. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- C. Indication of the type of sewage disposal to be used in the subdivision, together with design plans if the system is to be a public or community system.
- D. Indication of the type of water supply system(s) to be used in the subdivision. A written statement shall be submitted from the Fire Chief, approving all hydrant locations or other fire protection measures deemed necessary. Evidence of adequate groundwater supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
- E. The date the Plan was prepared, north point, graphic map scale.
- F. The names and address of the record owner, subdivider and the individual or company who prepared the plan.
- G. The location of any Shoreland Zoning boundaries affecting the subdivision.
- H. 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.
- I. The location and size of existing and proposed sewage disposal and water supply facilities, culverts, power and communication lines, and drainage ways on or adjacent to the property to be subdivided.
- J. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other 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.
- K. Street plans, meeting the requirement of Section 17.7.

Where they have been required at the preliminary plan phase:

- L. 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.
- M. 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.

- N. 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 New Portland of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land are to be offered to the town, written evidence that the selectmen are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- O. A list of construction items, with cost estimates, to 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.
- P. The Board may request from the applicant a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi\_municipal districts. These lists shall include but not limited to:
- |                            |                                     |
|----------------------------|-------------------------------------|
| Schools, including busing  | Street maintenance and snow removal |
| Police and fire protection | Solid waste disposal                |
| Recreation facilities      | Storm water management              |
- The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

### 12.3 Final Approval and Filing

- A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions on a previously approved Plan within the Town of New Portland.
- B. Upon findings of fact and determination that all standards in Title 30\_A M.R.S.A. s.4404, this and other town ordinances have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The 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 Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Town Manager. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan.
- D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications. The Board shall make findings that the revised plan meets the criteria of Title 30\_A M.R.S.A. s.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 Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.
- E. Except in subsequent phases of a phased development plan, failure to commence 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 Board shall have a notice placed in the Registry of Deeds to that effect.

### **ARTICLE 13: REVIEW OF COMMERCIAL DEVELOPMENT**

13.1 A developer or his authorized agent shall be required to obtain Board approval prior to commencing construction or occupancy of a commercial development.

#### 13.2 Procedures

- A. Any person requiring review under this section shall submit an application addressed to the Board Chairperson and delivered to the Town Office during regular business hours. A complete application shall consist of a cover form prescribed by the Board together with all fees and submissions listed in Section 13.5 herein. The Chairperson shall present the application to the Board at the next scheduled meeting. A determination of completeness shall be made by the Board within 30 days of submittal. The following standards shall be used in determining completeness:
- 1) The Board may prescribe and use a checklist to reflect the submission requirements herein.
  - 2) The Board may make a physical inspection of the site for the purpose of determining whether additional submissions will be required.
  - 3) The Board may, by formal action, waive submission requirements which it may find to be unnecessary for proper review.
- B. The application fee shall be \$100 for the first acre of developed area, or fraction thereof, and \$20 for each additional acre.
- C. Upon receipt of an application for commercial development approval, the Board shall
1. Issue a dated receipt to the applicant.
  2. Notify in writing all owners of abutting property that an application has been submitted, specifying the location of the proposed development and including a general description of the project.
  3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the development includes or crosses the municipal boundary.
- D. The applicant, or his duly authorized representative, shall attend the meeting of the board to present the application. The Board shall not begin consideration of the application, nor shall the time period commence, if the applicant is absent.
- E. Within thirty days of the receipt of the application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- F. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the developer. The Board shall determine whether to hold a public hearing on the application.

1. The Board shall hold a public hearing on an application for major commercial development. The Board may, at its discretion, hold a public hearing for minor commercial development.
  2. If a public hearing is held, it shall be within thirty days of receipt of a complete application. The Board 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.
- G. Within thirty days of the receipt of a complete application for a minor commercial development, or within sixty days of receipt of a complete application for a major commercial development, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application and approve, approve with conditions, or deny the application. The Board shall specify in writing its reasons for any conditions or denial.

### 13.3 Approval Criteria

Action by the Board shall be based upon written findings of fact and conclusions which certify or waive compliance with those performance standards listed in Part III of this ordinance, and which certify that the development meets the following criteria:

- 1) Maintenance of a traffic level no greater than 80 percent of capacity on all affected public streets and highways;
- 2) Sufficient parking and traffic circulation on the site of the development to avoid conflicts with adjoining properties and streets.
- 3) Building locations or engineering measures to ensure that wetlands and water bodies will not be adversely affected by erosion, runoff, or pollutants;
- 4) Treatment of all sanitary and solid waste in a manner approved by qualified professionals, disposal and storage of hazardous materials according to state and federal requirements;
- 5) Design measures to ensure the capability of the land and water systems to sustain the proposed use without long term degradation;
- 6) Protection of public resources identified in the Comprehensive Plan, including surface and subsurface water supplies, shoreland areas, wildlife areas, and access thereto;
- 7) Showing of sufficient financial backing and technical resources of the applicant to complete the proposed development.

### 13.4 Permitting

- A. Approval by the Board shall take the form of an agreement between the Town of New Portland and the applicant, incorporating as elements the application, the Board's findings of

fact and conclusions, and such conditions as the Board may impose. The Board and the applicant shall acknowledge the agreement in writing prior to the commencement of work.

- B. Conditions of the Board's approval shall be intended to ensure conformance with approval criteria. They may include, but are not limited to, increased setbacks and yard space, specifications for type of sewage and water supply facilities, off site improvements, vegetative or structural buffers and screens, location of buildings, parking or signs, operating requirements for handling of hazardous wastes, deed restrictions, and period of financial guarantees.
- C. Where improvements for the common use of lessees or the general public have been approved, the Board shall require a bond in favor of the Town, committing 100 percent of the estimated cost of said improvements.
- D. The Board shall send copies of the approval to the CEO, LPI, and to the Town Manager. The LPI shall issue no plumbing permit until conditions of the approval have been carried out.

### 13.5 Submission Requirements

- A. A completed application for review of commercial development shall consist of four (4) copies of required plans on sheets measuring no smaller than 11" x 17" and no larger than 24" x 36", and four (4) sets of attachments. Plans shall be drawn to a scale of no greater than 1"=30' for developments under ten acres, and 1"=50' for others.
- B. All applications shall contain the following items, unless the Board, by formal action, waives specific requirements.
  - 1) A title block in the lower right hand corner, containing the name and address of the applicant and property owner, the name and address of the preparer of the plan, with professional seal, if applicable, location of the property according to municipal tax maps, the date of plan preparation or revision, and an ID number unique to the plan.
  - 2) A standard boundary survey conducted by a surveyor licensed in the State of Maine, with sufficient information to identify and locate lot lines, rights\_of\_way and street alignments.
  - 3) An arrow showing true North and the magnetic declination, a graphic scale, and a signature block for members of the Board.
  - 4) Location and description of all buildings existing or to be placed on the site, and floor plans and front elevations of principal buildings.
  - 5) Acreage of the total parcel, rights\_of\_way, wetlands, and developed areas.
  - 6) Pertinent legal districts, including shoreland zones, if any, together with an enumeration of points according to the point system performance standard, section 15.6.
  - 7) Location of physical features such as ledge, wetlands, watercourses, sand and gravel aquifers, and forested areas.
  - 8) Location and design details of existing and proposed improvements, including power, water, sewer or septic system, pavement, buffer areas, and drainage structures.
  - 9) Location of any park, open space, or conservation easement.
  - 10) Location and description of any permanently installed machinery likely to cause appreciable noise at the lot lines.
  - 11) A location map showing the property in relation to other properties and roads in the

- general vicinity.
- 12) A copy of the soil survey map of the area. Where the map shows soils with severe restrictions for development, a high intensity soil survey shall be provided.
  - 13) Description of any raw, finished, or waste materials to be stored outside the buildings, including plans for disposal of solid or liquid wastes and any stored materials of a hazardous nature.
  - 14) Documentation of the applicant's legal interest in the property.
  - 15) Text of all encumbrances currently on the property and all encumbrances proposed to be placed on the property.
  - 16) A list containing names and mailing addresses of all owners of record of property abutting the proposed development.
  - 17) Description of the type and placement of sewage facilities. Where disposal will be accomplished through subsurface waste disposal system, an analysis of test pits prepared by a Maine licensed site evaluator, with at least two passing test pits located on the plan. Where disposal will be by an engineered private system, prior approval by the Department of Human Services.
  - 18) Indication of water source and supply sufficient in quantity and quality for both normal use and fire protection.
- C. In addition, all applications for major commercial development shall contain the following items, unless the Board, by formal action, waives specific requirements.
- 1) Existing contours and finished grade elevations within the site, together with proposed landscaping and buffering treatments.
  - 2) Location and necessary design details of all parking and paved areas, sidewalks, curbing, signs, fencing, and other site improvements.
  - 3) A plan for the control of erosion and sedimentation prepared by a registered professional engineer.
  - 4) A plan for the treatment of stormwaters of a 2 year and a 25 year storm, prepared by a registered professional engineer.
- D. The Board may require the applicant to submit such additional materials, studies, analyses, and proposals as it may deem necessary for a complete understanding of the development. Such materials may include the following categories:
- 1) Facilities Analysis: Examination of the impact of the development upon capital facilities of the Town, such as schools, recreation facilities, or highways.
  - 2) Transportation: Existing and proposed traffic conditions, including capacity, daily and peak hour levels of service, and the need for street or traffic control improvements.
  - 3) Environmental: Relationship between the development and affected land and water resources, which may include lake watersheds, aquifer protection, or hazardous material storage.

- 4) Copies of any required federal or state agency approvals, or letters asserting lack of jurisdiction.
- 5) Historic: Where the proposed development would be within 250 feet of the Carrabasset River, or within the defined village area (section 15.6.B.2), the Board may require an inventory and analysis of historic or archeological resources to be affected.

#### **ARTICLE 14: REVISIONS TO APPROVED PLANS**

14.0 Application is required only when the accumulation of space exceeds 800 square feet.

14.1 An applicant for a revision to a previously approved plan shall, at least seven days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots, dwelling units or commercial space, the procedures for a full review shall be followed. If the revision involves only modifications of an approved plan, without the creation of additional lots, dwelling units, or more than 10,000 square feet of commercial floor space, the procedures for final plan or minor commercial development approval, as appropriate, shall be followed.

#### 14.2 Submissions

The applicant shall submit a copy of the approved plan, as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the identifying numbers by which the original plan is recorded at the Registry of Deeds.

#### 14.3 Scope of Review.

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

## PART III -- DEVELOPMENT STANDARDS

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Articles 15, 16, 17 and 18 contain rules for new subdivision and commercial development. The Town of New Portland has enacted these to protect neighboring property rights, natural resources, and the cost of town services and facilities. Not all rules apply to every form of development. Consult the beginning of each section to see whether it applies.

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### ARTICLE 15: DEVELOPMENT STANDARDS TO PROTECT NEIGHBORHOODS

#### 15.1 Buffer Areas and Screening

*Applies to Major Commercial Development in Extended Village and Rural Areas*

- A. No major commercial development shall be established in the extended village or rural areas adjoining an existing residential area, unless an area of natural vegetation or landscaped buffer strip is provided to visually screen the uses. Where no vegetation can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof. The buffering shall be sufficient to minimize the impacts of expected uses, particularly exposed machinery, outdoor storage areas, vehicle loading and parking, mineral extraction, and waste collection and disposal areas. The buffer areas shall be maintained and vegetation replaced to insure continuous year round screening.
- B. Where a potential safety hazard to small children is apparent, barriers sufficient to deter entry to the premises shall be provided and maintained in good condition.

#### 15.2 Flammable and Explosive Materials

*Applies to all Commercial Development*

No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground unless they are located at least 75 ft. from any side or rear lot line, or 40 feet for underground storage, and all materials shall be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate Federal, State, and local regulations.

#### 15.3 Glare from Outside Lighting

*Applies to all Commercial Development*

Lighting may be used which serves security, safety, and operational needs but which does not produce glare on abutting properties or impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 2 footcandles upon abutting residential properties.

15.4 Noise  
*Applies to all Commercial Development*

- A. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity shall be limited by the time period listed below. Sound levels shall be measured at least 4 feet above ground at the property boundary.

Sound Pressure Level Limits	6 a.m.	9 p.m.	9 p.m.	6 a.m.
(Measured in dB (a) scale)		55		45

- B. The levels specified may be exceeded by 10 dBA for a single 15 minute period per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4\_1961) "American Standard Specification for General Purpose Sound Level Meters".
- C. No construction activities associated with a commercial development, which exceeds the above noise limits, shall take place on a site abutting a residential use between the hours of 9 p.m. and 6 a.m..
- D. The following activities shall be exempt from the noise standard:
1. Sounds from construction and maintenance activities conducted between 6 a.m. and 9 p.m.
  2. Sounds from safety signals, warning devices, emergency pressure relief valves, and other emergency activities.

15.5 Outside Storage of Materials  
*Applies to all Commercial Development*

All materials stored outdoors shall be sorted in such a manner as to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures, or other means.

15.6 Protection of New Portland's Town Character  
*Applies to all Commercial and Subdivision Development*

A Purpose and Operation

1. Pursuant to the Comprehensive Plan, all subdivisions and major commercial development subject to review under this ordinance shall be designed and developed in such a way as to perpetuate the distinction between New Portland's historic villages and countryside.
2. In order to accomplish this goal without implementation of townwide zoning, this ordinance mandates a measuring system to be applied to all development subject to review. Based on proposed location within village, extended village, or rural areas, an application will demonstrate that it has met this standard through a numerical accumulation of points for design elements within the development.

B Identification of distinct areas within New Portland

1. For the purpose of this ordinance, the village and extended village neighborhoods are those areas within the boundaries described below and illustrated on the Village Neighborhoods Map, incorporated as part of this ordinance, excluding shoreland zoning districts. In the event of conflict, the written description shall prevail. All areas not included within the descriptions are considered rural areas.

2. **Village Areas**

Village areas are generally identified on the basis of existing built-up area. Within the village, the objective shall be to preserve the existing small village character through new development with the same general design principles.

North New Portland All lots, all or a portion of which fall within a radius of 2,500 feet measured from the center of the intersection of Route 16 and Lexington Road.

East New Portland All lots, all or a portion of which fall within a radius of 1,200 feet measured from the center of the Route 146 Carrabassett River Bridge.

West New Portland All lots, all or a portion of which fall within a radius of 2,500 feet measured from the center of the intersection of Route 146 and Bennett Hill Road.

3. **Extended Village Areas**

Extended village areas are generally described as locations adjoining existing villages where roads and other facilities are adequate to support growth, and where new development should be encouraged to the extent that it does not detract from the character of the villages.

North New Portland All lots, all or a portion of which fall within a radius of 5,000 feet measured from the center of the intersection of Route 16 and Lexington Road *and* are within 1,000 feet of a paved public way.

East New Portland All lots, all or a portion of which fall within a radius of 2,500 feet measured from the center of the Route 146 Carrabassett River Bridge *and* are within 500 feet of a paved public way.

West New Portland All lots, all or a portion of which fall within a radius of 5,000 feet measured from the center of the intersection of Route 146 and Bennett Hill Road *and* are within 1,000 of a paved public way.

C. **Point System Performance Standard**

1. No permit shall be granted by the Board unless the total of points assigned falls within the range specified in this subsection.
2. **Point Ranges:**
  - 1) Within the village area, a development shall not exceed two (2) points from the listing in section 15.6.D, below.
  - 2) Within the extended village area, a development shall not exceed



- five (5) points from the listing in section 15.6.D, below.
- 3) Within the rural area, a development must accumulate a minimum of ten (10) points from the listing in section 15.6.D, below.

3. The Board is hereby authorized to grant a waiver of no more than 20 percent of the required standard, upon a showing by the developer that creative elements of his development will promote the objectives of the neighborhood in which it will be located.

D. Assignment of Points

1. During the course of its review, the Board shall record its findings on the assignment of points according to the listing in this subsection. The Board shall establish a form (checklist) for this purpose.
2. Points shall be assigned for the entire development, and based on the average throughout the development. For creative designs developed in accordance with the standards in section 18.3 of this ordinance, the average shall include the undeveloped acreage. In the event of uncertainty, the Board shall be the final authority on how points shall be assigned. The Board may assign partial points where the design does not qualify for full points.
3. Points are assigned in the following categories:
  - 1) Average Lot Size: "Basic," or minimum, lot size shall be calculated by comparing the predominant soil type of the area to be developed to the table below. The Board shall then assign one (1) point for every acre above the "basic." (Ex.: A subdivision with average lot size of 3.5 acres in Lyman soil shall receive 3 points.)

<b>"Basic" Lot Size Standards based on Soil Type</b>	
<b>Soil Type (SCS)</b>	<b>Lot Size (in square feet) per dwelling unit</b>
Berkshire, Lyman, Dixfield	20,000
Peru	30,000
Adams, Buxton, Colton, Stetson	40,000
all others (Skowhegan, Madawaska) (Hadley, Leicester, Limerick, Scantic, Walpole, Winooski)	80,000

Based on Maine Subsurface Wastewater Disposal Rules, Appendix F

- 2) Average Front Setback: The Board shall assign one (1) point for every

twenty (20) feet of separation between the principal structure and the edge of right-of-way of street upon which the lot fronts. For subdivisions, the applicant shall specify, by deed restriction or on the face of the plan, the minimum or maximum setbacks in order to qualify for these points. (Ex.: A subdivision with an average required setback of 40 feet shall receive 2 points.)

- 3) Buffer Area: The Board shall assign two (2) points in cases where a developer demonstrates that at least fifty (50) percent of the front setback area shall remain in natural vegetation greater than three (3) feet in height, or that the developer will be responsible for establishing landscaping of similar quality. No points shall be assigned in the village area for retaining natural vegetation.

4) Average Road Frontage: The Board shall assign (1) point for every two hundred (200) feet of road frontage per lot. In addition, the Board shall assign an additional five (5) points in the rural area only if all lots within a subdivision are restricted to access onto a street built by the subdivider to the standards of this ordinance. (Ex. 1: A subdivision with average 200 feet frontage onto a public road would receive 1 point. Ex. 2: A subdivision with average 200 feet frontage onto internal roads would receive 6 points.)

- 5) Open Space: The Board shall assign one (1) point for every ten percent of the proposed development identified and legally restricted as only to be used for open space, recreation, farming or forestry, provided the acreage is contiguous. (Ex. A development where 50 percent of the land is set aside for open space would receive 5 points.) Exception: No points shall be assigned in the village or extended village areas where open space so designated is dedicated for public recreational use or access.

#### **ARTICLE 16: DEVELOPMENT STANDARDS TO PROTECT NATURAL RESOURCES**

##### **16.1 Air Pollution**

*Applies to all Commercial Development in Village and Extended Village, major Commercial Development in Rural area.*

No emissions of pollutants or particulate matter which is concentrated or toxic enough to cause damage to human or animal health, vegetation, or property at the boundaries of the lot is permitted. No discharge across the boundaries of the lot is permitted which contains toxic or noxious matter in concentrations in excess of the State of Maine Ambient Air Quality Standards (1993) or, if not listed, similar federal EPA standards.

##### **16.2 Plant and Animal Habitat Protection**

*Applies to major Subdivision and Commercial Development in the Rural Area.*

- A. No development shall intentionally destroy or eradicate critical natural areas, plant or animal species or habitat identified as endangered, rare, or threatened by the Maine Natural Areas Program.

- B. A developer shall provide information to the board prior to approval, including a field survey by a qualified biologist, concerning the existence of such habitat or species. If a threat would exist, the developer will provide measures to avoid, reduce, or compensate for the effect of development on the habitat.

### 16.3 Soil Erosion Control

*Applies to all Commercial and Subdivision Development*

Erosion of soil and sedimentation of water sources and water bodies shall be minimized by erosion control management practices identified in applicant's Erosion Control Plan, including, at a minimum, the following:

- A. The striping of vegetation, removal of soil, regrading, or other development of the site shall be accomplished by limiting the duration of exposure and area of the site to be disturbed. Dust control methods shall be employed during dry conditions.
- B. Temporary vegetation, mulching, and/or siltation fabrics shall be used to protect critical areas during the development. Sediment in run\_off waters shall be trapped by debris basin, silt traps, sediment basins, or other methods determined acceptable by the town.
- C. Permanent vegetation and/or other erosion control measures should be installed prior to completion of the construction, but no later than six months after completion of the construction.
- D. The top or bottom of a cut or fill shall not be closer than ten (10) feet to a property line unless otherwise mutually agreed to be the affected landowner and town. In no instance shall grading so permitted exceed a 3:1 slope.

### 16.4 Storm Water Management

*Applies to major Subdivision and Commercial Development*

Stormwater management measures shall be designed to resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity, and location of runoff. If runoff after development would exceed predevelopment runoff, impact on neighboring property must be evaluated in terms of potential soil erosion and sedimentation, drainage capacity, and land characteristics. Storm water management evaluations and designs shall be based on a 24 hour, 25 year recurrence interval storm. Appropriate methods of reducing off\_site impact shall be presented and implemented through a Stormwater Management Plan. The following considerations shall be used:

- A. Control methods must be effective both during and after construction;
- B. Control methods must be compatible with upstream and downstream characteristics;
- C. The plan shall demonstrate that increasing the volume and rate of runoff from the proposed development will not aggravate conditions downstream or upstream;
- D. The plan must provide for on\_site storage and gradual discharge of excessive flows, or contribution toward increasing downstream capacity (e.g. by enlarging existing culverts), when the channel downstream is not able to accommodate the increased volume or rate of runoff created by the proposed development;
- E. Storm water runoff systems should be designed to facilitate aquifer recharge when it is advantageous to compensate for groundwater withdrawals or reductions in infiltration. Conversely, designs should avoid recharge where groundwater effects might be harmful.

- F. Design of permanent storage facilities should consider safety, appearance, recreational use, and cost and effectiveness of maintenance operations, in addition to the primary storage function. Natural overland flows, and open drainage channel and swale locations should be the preferred alignments for major components of a residential drainage system. The use of enclosed components (such as underground piping) should be minimized where the existing natural systems are able to accommodate storm runoff.
- G. Energy dissipators (to reduce high flow velocities) and other forms of outfall protection shall be employed where enclosed drains discharge onto erodible soils.

16.5 Water Quality  
*Applies to major Subdivision and Commercial Development*

A. Pollution

No activity shall store or permit the discharge of any inadequately treated liquid, gaseous, or solid materials that would run off or percolate into surface or groundwater so as to pollute or harm such waters or cause nuisances, such as objectionable shore deposits, debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal or plant life.

All aboveground storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 25\_year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating oil and diesel fuel, not exceeding 330 gallons in size, are exempted from this requirement.

B. Aquifer Protection

Development within the area over groundwater aquifers shall be strictly controlled with regard to use and storage of chemicals, petroleum, or other liquid contaminants. Developers within the aquifer area shall demonstrate to the satisfaction of the Planning Board and CEO that all aboveground and underground storage tanks are adequately designed and constructed, regularly monitored, and that use of such chemicals is under strict controls with adequate provisions for containment in the event of a spill. Aquifer areas are as mapped by the Maine Geological Survey, "Hydrogeological Data for Sand and Gravel Aquifers, Map 37."

C. Lake Protection

All development within 250' of Gammon Pond, Gilman Pond, and Pennell Pond shall employ measures to reduce or eliminate phosphorous-carrying runoff from entering the pond. Such measures may include, but not be limited to: vegetated buffer strips, diversion ditches, and holding ponds. The developer is responsible for demonstrating to the satisfaction of the planning board that the measures taken will achieve a moderate level of protection for the above-named lakes.

## ARTICLE 17: DEVELOPMENT STANDARDS TO PROTECT PUBLIC FACILITIES AND SERVICES

### 17.1 Access Management

*Applies to Subdivision and Commercial Development outside the Village Area.*

- A. **General:** Access to public roads shall be strictly controlled in both location and design. Provision shall be made for adequate access to the development to safeguard against hazards to traffic and pedestrians in the road and within the development, to avoid traffic congestion on any road and to provide safe and convenient circulation on public roads.
- B. **Design Guidelines:** Developments shall employ the following guidelines to the extent possible in designing access points:
1. Where a residential lot will front on two or more streets, access shall be to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
  2. The public road which will carry traffic to and from the development shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. No development shall increase the volume capacity ratio of any street above 0.8 nor reduce the street's Level of Service to "D" or below, based on the Highway Capacity Manual (1985), Special Report 209, National Research Council.
  3. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
  4. All access points should be located so as to provide adequate sight distance for vehicular movement. Adequate sight distance means an unobstructed view of the road in each direction for at least 100 feet for every 10 MPH of speed limit. (*E.g., for access to a 50 MPH road, an access point shall have a clear view 500 feet in each direction.*).
  5. Every effort shall be made to reduce the number of access points onto the public road. Measures to be taken may include shared driveways and frontage roads.
  6. All entry and exit points shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 25 feet from the edge of the travelled way in order to provide visibility for entering and leaving vehicles.
- C. **Access Point Design Standards**
1. **Low Volume Access Points:** serve one or two residential units or a commercial development with an estimated volume of less than 200 vehicles per day.
    - a. **Vertical Alignment:** An access point shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume points may slope no more than 2 percent for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet.
    - b. **Skew Angle.** Low Volume points shall intersect the road at an angle as

nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

- c. Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.
  - d. Width. The width of the access point, before adding the curb radius, shall be between 12 feet and 20 feet, with a preferred width of 16 feet.
2. High Volume Access Points: may be either a street, as defined by this ordinance, or a commercial driveway with an estimated volume of more than 200 vehicles per day.
- a. Vertical Alignment: An access point shall be flat enough to prevent the dragging of any vehicle undercarriage. High volume points may slope no more than 2 percent for at least 25 feet followed by a slope of no greater than 3 percent for the next 50 feet.
  - b. Skew Angle. High Volume points shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.
  - c. Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.
  - d. Width. The width of the access point, before adding the curb radius, shall be between 16 feet and 30 feet, with a preferred width of 24 feet.

17.2 Building Height  
*Applies to all development*

In order to ensure adequate fire protection with existing equipment, no building shall be erected which exceeds thirty (30) feet in height, as measured from the average finished grade to the base of the roof of the principal part of the building. Transmission towers, aerials, chimneys, and similar structures are exempt from the requirements of this section.

17.3 Homeowner's Associations  
*Applies to Subdivisions*

- A. Whenever a subdivision is proposed there are public facilities to remain private, such as roads, water supply systems, or sewage disposal facilities, or where open space land is to be transferred to the homeowners, a homeowner's association shall be formed to ensure suitable management of the land or facility without need of municipal responsibility.

- B. The final plan for the subdivision shall include the following:
1. Covenants for mandatory membership in the homeowners 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 homeowners association as a not\_for\_profit corporation; and
  3. Draft by\_laws of the proposed homeowners 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.
  4. Documentation demonstrating that the association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
- C. The developer shall maintain control of common land or facilities, and be responsible for its maintenance until development sufficient to support the association has taken place. The planning board shall make the determination when this point has been reached.

17.4 Internal Traffic Management (Parking and Circulation)  
*Applies to Commercial Development outside the Village Area.*

A. General Requirement:

No development shall be constructed or expanded unless adequate provision is made for internal circulation and parking, in accordance with the requirements of this section.

B. Parking and Circulation Design Criteria:

1. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street, if possible.
2. All parking areas, driveways, and other areas with a capacity of twenty (20) or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel sub\_base at least 6" in thickness, and shall have appropriate bumper or wheel guards where needed.
3. Entrances and exits should be clearly identified by the use of signs, curb cuts, and landscaping.
4. Parking areas shall be designed to permit each motor vehicle to access each parking space without requiring the moving of any other motor vehicles.
5. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.
6. Where facilities are required for loading and unloading freight, such facilities shall be located so as not to impede traffic circulation, block parked vehicles, or present as pedestrian or traffic hazard. Trucks, trailers, and containers for loading or storage shall not be located upon any town way.

7. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a min. of 4" in width.
8. Parking stalls shall be designed to the following dimensions:  
 Perpendicular Stalls: 9 (nine) feet wide by 18 (eighteen) feet deep.  
 Angled Stalls: 8.5 (eight-and-a half) feet wide by 17 (seventeen) feet deep  
 (angle of no greater than 30 degrees.)
9. Internal travel aisles shall be 22 feet wide for two-way traffic, or 14 feet wide for one-way traffic.
10. The requirement for number of parking spaces shall be based on type of development, as follows:

<u>Activity</u>	<u>Minimum Required Parking</u>
B&B, Hotel, Motel	1 space per room/unit rental plus 1 for each employee
Child Care Facility	1 space for every 4 children facility is licensed to care for
Private Clubs or Lodges	1 space per every seventy-five (75) square feet of floor space
Offices, Banks	1 space for every 150 square feet of floor space
Medical Offices (MD's, OD's)	10 spaces for each doctor, dentist, or other medical practitioner
Veterinarian clinic, Kennel	5 spaces/veterinarian
Retail and Service Businesses	1 space for every 150 sq. ft. of floor space
Barber/Beauty Shop	4 spaces/chair
Restaurant	1 space per three seats based upon max. seating capacity
Industrial Businesses	1 space/employee on the maximum working shift
Warehouse, wholesale	1 space/500 sq. ft. floor area business
Flea Market	3 spaces/table
Automobile Repair Garage	5 spaces for each bay or area
Commercial Recreation Facility	1 space for each 100 sq. ft. of floor area
Convenience Store	1 space for every 150 sq. ft. of floor area
Motor Vehicle Sales	1 space reserved for customers per thirty vehicles displayed.

Note: Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

#### 17.5 Lot Design

*Applies to all subdivisions*

- A. The subdivision of tracts into parcels with more than twice the necessary lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the standards of this ordinance and conditions placed on the original approval.
- B. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.



17.6 Monumentation  
*Applies to all subdivisions*

All subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

17.7 Refuse Disposal  
*Applies to all Commercial Development*

The developer or subsequent operator shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the town's facilities (in terms of volume, flammability, or toxicity) and may require the disposal of such wastes elsewhere, in conformance with all applicable State and Federal regulations. The developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

17.8 Sanitary Provisions  
*Applies to all Subdivision and Commercial Development*

- A. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.
- B. Industrial or commercial waste waters may be discharged only in such quantities and/or such quality as to be compatible with commonly accepted sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site before primary processing takes place. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction, and dilution. The disposal of industrial or commercial waste waters by means other than trucking to a municipal sewerage system shall comply with the laws of the State of Maine concerning water pollution.

17.9 Street Design  
*Applies to all subdivisions*

- A. General Requirements.
  - 1. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with this section and any relevant provisions of the Town of New Portland Road Ordinance. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
  - 2. Subdividers shall submit to the Board, as part of the Final Plan application, detailed construction drawings showing a plan view, profile, and typical cross section of any proposed roads and access points. The drawings shall be sufficient to determine whether the road meets the provisions of the town's ordinances,

3. Where the subdivider proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.
4. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:  
 "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet the municipal street design and construction standards and are accepted by the Town Meeting."

B. Street Design Standards.

These design standards shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice.

1. Where a subdivision borders an existing narrow street (not meeting the width requirements of the New Portland Road Ordinance), the subdivision plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements.
2. Any subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two street connections with existing public streets, or streets on a previously-approved subdivision plan for which performance guarantees have been filed and accepted.
3. Any subdivision plan which has the effect of creating a parcel without frontage on a public road shall show a right-of-way to the parcel. The right-of-way shall be a minimum of 50 (fifty) feet in width and suitable for use as vehicular access.
4. New Portland Road Ordinance design standards shall apply, as follows:

Description	Type of Street	
	Through Road	Minor/Dead End Road
Width of Right-of-way	66 feet	60 feet
Width of traveled way	20 feet	18 feet
Width of shoulders (unpaved)	3 feet	2 feet
Total gravel base (consists of:)	18 inches	18 inches
---- Sub-base (bank run 2" minus)	12 inches	12 inches
---- Crushed surface gravel (3/4" minus)	6 inches	6 inches
Bituminous paving (planning board discretion)	3 inches	2 inches
Crown	1/4"/foot	1/4"/foot

5. Ditch sections: All ditches shall have a minimum depth of 36 inches below the centerline of the road. Ditch and cut slopes shall not exceed 3:1.
6. All culverts, including those under driveways and other access points, shall be a minimum of 15 inches in diameter and shall be installed according to standard engineering practice, including minimum cover equal to the diameter of the pipe. Culverts shall be Galvanized or Aluminized Corrugated Metal Pipe meeting the thickness specifications and other requirements of MDOT materials specification, Section 707.
7. Sidewalks shall be installed within all subdivisions in the village and extended village areas designated in this ordinance. Where installed, sidewalks shall meet these minimum requirements.
  - a. Bituminous: The "subbase" aggregate course shall be no less than twelve inches thick after compaction. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.
  - b. Portland Cement Concrete: The "subbase" aggregate shall be no less than twelve inches in thick after compaction. The Portland Cement Concrete shall be reinforced with six inch square number 10 wire mesh and shall be no less than four inches thick.
  - c. Gravel or stone dust: The "subbase" aggregate shall be no less than twelve inches thick after compaction. The surface course shall be no less than three inches thick after compaction.
8. Dead End Streets:
  - a. In addition to the design standards above, dead\_end streets shall be constructed to provide a cul\_de\_sac turn\_around with the following requirements for radii: Property line: 60 feet; outer edge of pavement: 50 feet; inner edge of payment: 30 feet.
  - b. Where the cul\_de\_sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul\_de\_sac. The Board may require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.
  - c. Where a circular cul-de-sac is not feasible, the board may allow the use of a "T" type turnaround. The legs of the "T" shall be no less than thirty (30) feet in length.

#### 17.10 Water Supply

##### *Applies to major Subdivision and Commercial Development*

A water quality analysis demonstrating that the Sate Safe Drinking Water Guidelines are met shall be submitted to the CEO prior to the sale of subdivision lots or the opening of a commercial development.

**ARTICLE 18: DEVELOPMENT STANDARDS FOR SPECIFIC ACTIVITIES**

**18.1 Campgrounds and Tenting Grounds.**

Campgrounds are considered subdivisions and must conform to requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter rule shall apply):

**A. General**

1. A campground must be constructed so that all camping units or structures will be located at least 100 feet from any property line and 200 feet from any resident (except residences belonging to the campground owners).
2. No trailers other than recreational vehicles or utility trailers as defined herein, shall be permitted within any campground, temporarily or otherwise. No camping unit shall be stored or exhibited for sale for commercial purposes within the park.
3. Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads):

	<u>Non Shoreland</u>	<u>Shoreland</u>
Tent sites	14 per acre	8 per acre
RV sites	11 per acre	7 per acre

4. The minimum frontage of a campsite along any shoreline shall be 100 feet. The minimum setback from the normal high water elevation shall be 100 feet for all recreational vehicles, or other vehicles and temporary or permanent structures.
5. No campsite shall be located within a Shoreland Zoned Resource Protection District or within the 100 year floor plain.

**B. Health and Safety**

1. Each recreational vehicle, tent, or shelter site shall have access to a trash receptacle. The park management shall dispose of refuse from said container to an approved disposal area at least once every week.
2. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Wastewater Disposal Rules. In no case shall less than one toilet and lavatory be provided for each sex for every ten camping and tent sites. All recreational vehicle sites shall be equipped with water and sewage hook ups, and connected to approved distribution or disposal systems.
3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that

every campground may be readily serviced in emergency situations. 24-hour emergency communication service (e.g. telephones) shall be provided.

4. The soil erosion and sedimentation control plan submitted with the subdivision application shall show, at a minimum, how vegetative clearing will avoid creating straight line edges between open land and surviving stands, and how areas of activity and/or traffic will be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deeryards and trails).

## 18.2 Hotels, Motels, and Bed & Breakfast

For traffic safety on and immediately adjoining each motel, hotel, or bed and breakfast establishment and to assure health, safety, and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with. The terms hotel, motel, and Bed and Breakfast are used interchangeably, except where noted.

- A. A green space, not less than twenty (20) feet wide, shall be maintained along each side lot line, the rear lot line, and the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
- B. Buildings shall not cover more than fifteen (15) percent of the area of the lot.
- C. If cooking or eating facilities are provided in rental units, each unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multifamily developments in this Ordinance.
- D. Each hotel rental unit shall contain not less than two hundred (200) square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each sleeping room shall not be less than twelve by fifteen (12X15) feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities. For Bed and Breakfasts, sleeping rooms shall be at least 80 square feet, and there shall be at least one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- E. For each hotel, one dwelling unit may be provided for a resident owner, manager, or other responsible staff person.
- F. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office. Specifically, each rental room shall be equipped with an approved smoke detector.
- G. Parking stalls shall be specially designed to accommodate the traveling public by a minimum stall width of eleven (11) feet and stall depth of twenty-three (23) feet for perpendicular stalls. Angled parking stall width and depths shall be increased by 10% and 25%, respectively, above the standards contained in this Ordinance.
- H. All hotels shall be connected to sewer and water systems approved by the LPI.

## 18.3 Open Space (Cluster) Development

- A. Purpose: The purpose of this section is to allow for flexibility in the design of housing developments to further New Portland's unique town character, and to provide a

framework for the assignment of points for provision of open space, according to section 15.6.D.3(5).

- B. Applicants for open space points under section 15.6.D.3(5) shall present to the planning board for its review information pertaining to the proposal, which may include, among other things, size, dimension and orientation of proposed lots; location, character, and proposed uses of open space; location of wetlands, wildlife habitat or other natural features, and proposed provisions for management and ownership of the open space. The planning board shall review such information and may suggest changes which would improve development efficiency or better protect natural resources on the site.
- C. Each building or lot shall be an element of the overall plan for site development. Only developments having a total site plan, including a location or building envelope for structures, may be considered.
- D. Within an open space development, no building shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained. Unless a community sewage collection and treatment system is provided, no individual lot shall be smaller than the "basic" lot size from the table, section 15.6.D.3(1).
- E. Every building shall be within 1,000 feet of the common land. Distances between buildings shall not be less than 20 feet in the Village and Extended Village Areas, 50 feet in the Rural Area.
- F. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
- G. Shore frontage shall not be reduced below the minimum required by the Shoreland Zoning Ordinance for New Portland.
- H. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
- I. Reservation or Dedication and Maintenance of Open Space or Common Land.
  - 1. All open space shall be restricted by deed or easement to prohibit future development. The precise description of the property restricted and the legal mechanism for the restriction shall be provided to the board. The common land or open space shall be shown on the Final Plan with appropriate notations on the plan to indicate that it shall not be used for future building lots.
  - 2. Ownership of the open space may be retained by the developer or transferred to an individual, a homeowners association as provided in section 17.3 of this ordinance, an association which has as its principal purpose the conservation or preservation of land, or the municipality.
  - 3. Further subdivision of the common land or open space and its use for other than non-commercial recreation, forestry, agriculture or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to these uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there

shall be a conservation easement in place prohibiting future development.

#### 18.4 Recreational Facility

All commercial recreation facilities shall meet the provisions below:

- A. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.
- B. Containers and facilities for rubbish collection and removal shall be provided.
- C. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.

#### 18.5 Gravel, Sand and Soil Extraction

- A. Permit Required. Topsoil, rock, sand, gravel, and similar earth materials may be removed from sites greater than 5 acres only after approval as a major commercial development under the terms of this ordinance and the standards of this section, except that the following earth-moving activities shall be exempted:
  - 1). The removal, or transfer, of material incidental to construction, alteration, or repair of a building or in the grading and landscaping incidental thereto; and
  - 2). The removal, or transfer, of material incidental to construction, alteration, or repair of a public or private way or essential service.
- B. Performance Standards
  1. No part of any extraction operation shall be permitted within 100 feet of an existing house or within 150 feet of any property or street line. Natural vegetation shall be left and maintained on the intervening land.
  2. No slopes steeper than 2 feet horizontal to 1 foot vertical (2:1) shall be permitted at any extraction site unless a fence at least six (6) feet tall is erected to limit access to such locations.
  3. Sediment shall be trapped by diversions, silting basins, terraces, and other measures designed by a professional engineer.
  4. The sides and bottom cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the Maine Soil and Water Conservation Commission, Technical Guide, Standards and Specifications.
  5. The hours of operation at any extraction site shall be limited as the Planning Board deems advisable to ensure compatibility with nearby residences.
  6. No mud, soil, sand, or other materials shall be allowed to accumulate on a public road from loading or hauling vehicles.

7. No equipment debris, junk, or other material shall be permitted on an extraction site.
8. Within six (6) months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades shall be established in accordance with the approved plans.
  - a. All debris, stumps, and similar materials shall be removed or disposed of in an approved location, buried and covered with a minimum of 2 feet of soil.
  - b. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
  - c. Storm drainage and water courses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.
  - d. At least 4" inches of topsoil or loam shall be retained or obtained to cover all disturbed areas, which shall be reseeded and properly restored so that grassy vegetation shall cover all disturbed areas within six months.
  - e. No slope greater than 2 feet horizontal to 1 foot vertical(2:1) shall be permitted.

#### 18.6 Ground Water and/or Spring Water Extraction and/or Storage

- A. Permit Required. The removal of more than 1,000 gallons per day of ground water or spring water as part of a commercial, industrial, or land excavation operation, is a minor commercial development to be approved in accordance with this section.
- B. Submission Requirements. The application, in addition to listed requirements, shall include the following information:
  - 1). Statement of the quantity of ground water to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;
  - 2). A letter from the Maine Department of Human Services approving the facility as proposed where the Department has jurisdiction over the proposal;
  - 3). Where appropriate, letters from the Department of Environmental Protection when the Site Location Law is applicable or a discharge permit is required.
  - 4). A written report of a hydrogeologic investigation conducted by a certified professional geologist or registered professional engineer, except for spring water extraction facilities which meet the following conditions: the spring enhancement shall not increase the combined spring's catchment capacity by removing more than four (4) cubic yards of earth and not increase this spring's depth by more than four (4) feet, where the discharge drain is no lower than the existing spring water level, where gravity along (without the aid of a siphon) is



used to withdraw the spring water to other facilities on site, and where other improvements do not threaten ground water levels. This report shall include the following information:

- a. A map of the aquifer from which water is to be extracted in sufficient detail to support a calculation of sustained yield during a drought with a probability of one in ten years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.
- b. The results of the investigation shall establish the aquifer characteristics, the rates of draw down and rebound, the sustainable yearly, monthly (by month), and daily extraction rates, the cone of depression which may develop about the proposed facility, and other impacts on the water table in the tributary aquifer and such other private or public wells within 1,000 feet of the proposed extraction facilities shall be assessed.

C. Performance Standards

1. The quantity of water to be taken from water sources will not substantially lower the ground water table beyond the property lines, cause undesirable changes in ground water flow patterns, or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of once in ten years.
2. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.
3. Safe and healthful conditions shall be maintained at all times within and about the proposed use.
4. The proposed use shall not cause sedimentation or erosion.
5. The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof that the Board has considered any information supplied by the operator and finds that no adverse affect on a public water supply will result.
6. The operator shall make monthly operating records of the quantity of water extracted, stored, and removed from the site, available to the Code Enforcement Officer or a designee.
7. Nothing in this procedure, and no decision by the Planning Board shall be deemed to create groundwater rights other than those rights which the applicant may have under the Maine law.

18.7 Kennels and Veterinary Hospitals

- A. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from the nearest residence, other than the owners', existing at the time of permit.
- B. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located

- on the site in a manner that will minimize the adverse effects upon the surrounding properties, considering the relationship of the use to the topography, screening, prevailing winds, the location of residences and public facilities on nearby properties, and other similar factors.
- C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin, or rodents.
  - D. Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement, shall be kept tightly covered at all times, and emptied no less than once every week. Such containers shall be made of steel or plastic to facilitate cleaning, and shall meet the setbacks required for outdoor runs.
  - E. If outdoor dog "runs" are created, they shall be completely fenced in, and shall be paved with cement, asphalt or a similar material to provide for cleanliness and ease of maintenance.
  - F. Any incineration device for burning excrement, soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from nearest residence other than the applicants, and shall have a chimney vent not less than 35 feet above the average ground elevation. The applicant shall also provide evidence that they have obtained approval from the Maine Department of Environmental Protection for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature, and duration of required flue temperatures.

#### 18.8 Multi-Family Developments

- A. The developer shall demonstrate the availability of adequate supply and quality of water for both domestic and fire fighting purposes.
- B. It shall be the responsibility of the owner or manager to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six (6) feet in height.
- C. Access, Circulation, and Parking
  - 1. The development shall provide an adequate number and location of well-defined access points, with respect to sight distances, intersections, schools, and other traffic generators. All corners shall be kept clear from visual obstructions higher than three (3) feet above ground level by the owner, for a distance of twenty five (25) feet, measured along the intersecting street lines.
  - 2. The development shall not have an unreasonable adverse impact on the public road system, and shall assure safe interior circulation within its site, by providing adequate parking and turn-around areas.
- D. All multifamily developments of 25 dwelling units or more shall include a developed play area no smaller than 5,000 square feet. Any development restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

18.9 Restaurants

- A. The application for approval shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity shall require a review for adequacy of parking spaces.
- B. Restroom facilities for the patrons shall be provided on the premises.

18.10 Development Standards for Specific Activities

Each subdivision proposal including mobile home parks, shall include a landscape plan which shows how the lots, building sites, structures, roads and other features of the subdivision reflect the character of New Portland's villages, extended villages or rural areas. The landscape plan shall, depending upon the location of the subdivision incorporate features that respect and compliment its surroundings

The landscape plan shall use materials that integrate the various elements on the site, preserve and enhance the particular identity of the site and create a pleasing character. The subdivision shall address the following elements in a manner that connects with the defining features of the surrounding area: building placement, orientation, and scale, building setback and alignment, buffers along roads and between buildings, and landscape feature.

The landscape plan shall, as appropriate, incorporate the following into the subdivision:

- Building sites shall be oriented with respect to scenic vistas, natural landscape features, topography and significant man-made features.
- Road and lot layout shall be adapted to existing topography.
- Existing trails shall be preserves.
- Existing vegetation along property lines shall be preserved.
- Lots shall be designed to enhance the privacy and rural atmosphere of the site.
- Trees located along roadways shall be preserved.

The planning board may require the applicant to use a landscape architect or similar professional to design the landscape plan for the subdivision.

a true copy attest  
10/25/12  
Alicia Wins Tam Clerk

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The text notes that any discrepancies or errors in the records can lead to significant complications during an audit and may result in the disallowance of certain expenses.

2. The second part of the document outlines the specific procedures that must be followed when recording transactions. It details the requirements for receipts, invoices, and other supporting documents, including the need for proper signatures and dates. It also discusses the importance of timely recording of transactions to avoid any potential issues with the timing of the entries.

3. The third part of the document addresses the issue of the classification of expenses. It explains that expenses must be properly categorized according to the applicable accounting standards and the nature of the activity. This is crucial for ensuring that the financial statements accurately reflect the organization's financial position and performance.

4. The fourth part of the document discusses the importance of maintaining adequate documentation for all transactions. It states that all supporting documents must be retained for a minimum of six years from the date of the transaction. This is necessary to provide evidence in the event of an audit or any other legal proceedings.

5. The fifth part of the document discusses the importance of regular reconciliation of the accounts. It explains that this process helps to identify any errors or discrepancies in the records as soon as possible, allowing for prompt correction and ensuring the accuracy of the financial statements.

6. The sixth part of the document discusses the importance of maintaining proper segregation of duties. It explains that this is a key internal control measure that helps to prevent and detect errors and fraud. By ensuring that no single individual is responsible for all aspects of a transaction, the organization can reduce the risk of misstatements in the financial statements.

7. The seventh part of the document discusses the importance of maintaining proper records of all changes to the accounting system. It explains that any changes to the system, including the addition of new accounts or the modification of existing ones, must be properly documented and approved by the appropriate authority. This is essential for ensuring the integrity and reliability of the financial statements.

8. The eighth part of the document discusses the importance of maintaining proper records of all transfers of funds. It explains that all transfers must be properly authorized and documented, and that the records must clearly show the source and destination of the funds. This is crucial for ensuring the accuracy of the financial statements and for providing a clear audit trail.

9. The ninth part of the document discusses the importance of maintaining proper records of all assets. It explains that all assets must be properly identified, valued, and recorded in the financial statements. This is essential for ensuring that the organization's financial position is accurately reflected and for providing a clear audit trail.

10. The tenth part of the document discusses the importance of maintaining proper records of all liabilities. It explains that all liabilities must be properly identified, valued, and recorded in the financial statements. This is essential for ensuring that the organization's financial position is accurately reflected and for providing a clear audit trail.

